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**BILL 91**

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, <sup>1</sup>ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

**An Act respecting  
The Haldimand Board of Education and Teachers Dispute**

MR. MILLER  
(Haldimand-Norfolk)





EXPLANATORY NOTE

The purpose of this Bill is to resolve the dispute between The Haldimand Board of Education and the secondary school teachers who are employees of the board. The Bill orders an end to the strike that commenced on the 29th day of March, 1979 and establishes a final offer selection procedure as a means of settling the matters in dispute between the parties.



BILL 91

1979

**An Act respecting  
The Haldimand Board of Education  
and Teachers Dispute**

**W**HEREAS The Haldimand Board of Education and its Preamble  
secondary school teachers have been negotiating terms  
and conditions of employment; and whereas a state of strike  
by the teachers against the board of education has been in  
effect since the 29th day of March, 1979; and whereas the  
board of education and its secondary school teachers have  
been unable to make an agreement as to terms and con-  
ditions of employment; and whereas the public interest  
requires that means be found for the settlement of the matters  
in dispute between the board of education and its secondary  
school teachers;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1. In this Act,**

Interpreta-  
tion

- (a) "arbitrator" means the arbitrator appointed under this Act;
- (b) "board" means The Haldimand Board of Education;
- (c) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;
- (d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*, c. 72;
- (e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*, c. 72;

- (f) "parties" means the board and the branch affiliate;
- (g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Resumption  
of employ-  
ment and  
operation  
of schools

**2.**—(1) The teachers who are on strike against the board shall, on the first Tuesday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1978 with the board and the board shall, on the first Tuesday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and resume the normal operation of the schools in which the teachers are employed.

Strike or  
lock-out

(2) During the period from and including the first Tuesday following the day this Act comes into force until the day an agreement that is made between the parties or that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against the board and the board shall not lock out a teacher.

Exception

(3) Nothing in this Act precludes a teacher from not returning to and resuming his duties with the board for reasons of health or by mutual consent in writing of the teacher and the board.

Final offer  
selection

**3.**—(1) The parties shall be deemed to have agreed,

1975, c. 72

(a) to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to a selector for determination under and in accordance with Part V of that Act; and

(b) to not withdraw from the proceedings.

Notice of  
appointment  
of selector

(2) The parties, within seven days after the day this Act comes into force, shall jointly give written notice to the Commission stating,

(a) the date of appointment and the name and address of the selector; or

- (b) that the parties have not appointed the selector and that the parties request the Commission to appoint the selector.

(3) Where the parties fail to give a notice to the Commission in accordance with subsection 2 or where the parties request the Commission to appoint the selector, the Commission shall make the appointment and give notice of the appointment of the selector to the parties and the notice shall set out the name and address of the person appointed and the date of the appointment.

Appointment  
of selector  
by  
Commission

(4) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the selector, to the proceedings conducted before him, to the parties and to the teachers.

Application  
of 1975, c. 72

4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters agreed upon by the parties and the decision of the selector shall be for the period commencing on the 1st day of September, 1978 and expiring on the 31st day of August, 1979.

Term of  
agreement  
1975, c. 72

(2) The Commission may, with the concurrence of the selector and the parties, reduce any period of time referred to in section 41, 42, 44, 45 or 48 of *The School Boards and Teachers Collective Negotiations Act, 1975*.

Reduction  
of time  
period

5.—(1) Every person or party that contravenes any of the provisions of this Act is guilty of an offence.

Offences

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975* respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

Idem

6. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

7. The short title of this Act is *The Haldimand Board of Education and Teachers Dispute Resolution Act, 1979*.

Short title







# BILL 91

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An Act respecting  
The Haldimand Board of Education  
and Teachers Dispute

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*1st Reading*

May 15th, 1979

*2nd Reading*

*3rd Reading*

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MR. MILLER  
(Haldimand-Norfolk)

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*(Private Member's Bill)*

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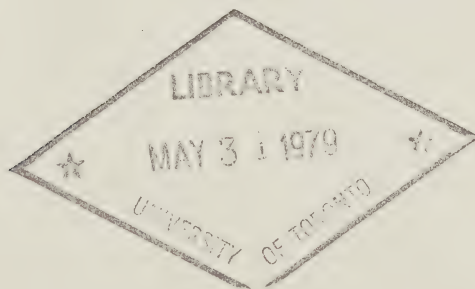
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**BILL 92**

**Government Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979  
*Legislative Assembly*

**An Act to amend The Railways Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications



TORONTO

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#### EXPLANATORY NOTES

SECTION 1. A company, as defined in the Act, may prescribe a penalty for contravention of its by-laws, rules or regulations. The maximum penalty is being increased from \$25 to \$500.

SECTION 2. The Act provides that where a company does not prescribe a penalty for contravention of its by-laws, rules or regulations, the penalty shall be not more than \$20. This penalty is being increased to \$500 to coincide with the amendment made in section 1 of the Bill.

BILL 92

1979

## An Act to amend The Railways Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 164 of *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is amended by striking out "\$25" in the third line and inserting in lieu thereof "\$500". s. 164,  
amended
2. Section 293 of the said Act is amended by striking out "\$20" in the sixth line and inserting in lieu thereof "\$500". s. 293,  
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
4. The short title of this Act is *The Railways Amendment Act*, Short title  
1979.



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## BILL 92

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An Act to amend  
The Railways Act

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*1st Reading*

May 17th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

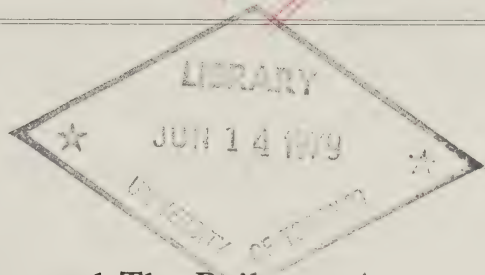
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*(Government Bill)*

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**BILL 92**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979



**An Act to amend The Railways Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications

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An Act to amend  
The Railways Act

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*1st Reading*

May 17th, 1979

*2nd Reading*

June 5th, 1979

*3rd Reading*

June 5th, 1979

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THE HON. J. W. SNOW  
Minister of Transportation  
and Communications

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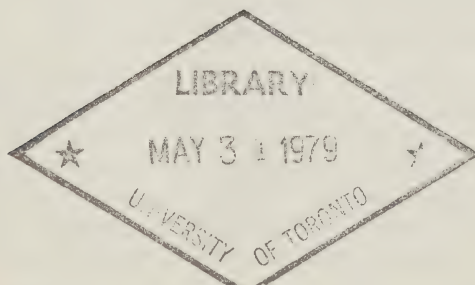
**BILL 93**

**Government Bill**

3RD SESSION, 31ST LEGISLATURE, /ONTARIO  
28 ELIZABETH II, 1979

**An Act to provide for the holding  
of Land by Religious Organizations**

THE HON. R. MCMURTRY  
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill is a revision of *The Religious Institutions Act* and implements the recommendations of the Ontario Law Reform Commission concerning religious institutions contained in its Report on Mortmain, Charitable Uses and Religious Institutions.

The principal changes include:

1. widening the institutions to include all religious denominations;
2. the removal of obsolete provisions and modernization of the language and procedures.

BILL 93

1979

## An Act to provide for the holding of Land by Religious Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

(a) “meeting” means a meeting of the members of a religious organization that has been called by notice in accordance with section 17;

(b) “religious organization” means an association of persons,

(i) that is charitable according to the law of Ontario,

(ii) that is organized for the advancement of religion and for the conduct of religious worship, services or rites, and

(iii) that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices,

and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha’i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof;

(c) “trustees” means the trustees appointed by a religious organization to acquire, hold and possess land for its benefit, and includes their successors.

(2) In interpreting subclause i of clause b of subsection 1, <sup>Idem</sup> an organization does not cease to be charitable for the



reason only that activities that are not charitable but are merely ancillary to a charitable purpose are carried on in conjunction with a charitable purpose.

Derivative  
organizations

(3) Where a separate religious organization is formed out of an existing religious organization, whether voluntarily or otherwise, and the new organization meets the requirements of subclauses i and ii of clause *b* of subsection 1, it shall nevertheless be considered to be a religious organization for the purposes of this Act. *New.*

Acquisition  
and holding  
of land

**2.** A religious organization may acquire and hold land for the purpose of,

- (a) a place of worship;
- (b) a residence for its religious leader;
- (c) a burial or cremation ground;
- (d) a bookstore or a printing or publishing office;
- (e) a theological seminary or similar institution of religious instruction;
- (f) a religious camp retreat or training centre; or
- (g) any other religious purpose,

in the name of trustees, individually or by collective designation, and their successors in perpetual succession for the benefit of the religious organization. R.S.O. 1970, c. 411, s. 1 (1), *amended*.

Appointment  
and tenure  
of trustees

**3.—(1)** A religious organization may by resolution adopted at a meeting of the organization,

- (a) appoint trustees and fill any vacancy in the office of trustee;
- (b) provide for the retirement or removal of trustees and for the appointment of their successors;
- (c) remove any trustee from office;
- (d) decrease or increase the number of trustees;
- (e) confer upon trustees the power to acquire, hold and possess land for one or more of the purposes set out in section 2.

(2) Unless the constitution or a resolution of the religious organization otherwise provides, a trustee holds office until he dies, resigns or ceases to be a member of the organization. Termination of office

(3) Where a vacancy occurs in the number of the trustees of a religious organization, until the vacancy is filled, the remaining trustees then in office have all the estate in and title to the land of the organization and have all the powers conferred by this Act with respect thereto as were originally vested in the whole number. Powers of trustees where vacancy

(4) A trustee appointed to fill a vacancy together with the trustees originally appointed or subsequently appointed and who remain in office have all the estate, title and powers vested in the original trustees. Powers of successor trustees

(5) Where no trustees of a religious organization remain in office, the land to which the organization is entitled vests automatically in trustees subsequently appointed by the organization and their successors without the necessity of any conveyance. Vesting of land in successor trustees

(6) Where a religious organization is entitled to land and the manner of appointing trustees or their successors is not set out in the instrument granting or devising the land, it vests automatically in the trustees appointed under subsection 1 and their successors to be held in trust for the organization without the necessity of any conveyance. *New.* Where successor trustees not provided for

4. Where, under the constitution, customs or practices of a religious organization, its property is vested in one person, the person shall be deemed to be a trustee and has the powers and duties of trustees under this Act. *New.* Property vested in one person

5.—(1) Each of two or more religious organizations may by resolution appoint joint trustees and provide for the appointment of their successors and may enter into agreements respecting the holding of land for their joint benefit by such joint trustees for any of the purposes enumerated in section 2 and all the provisions of this Act apply with necessary modifications to such joint trustees. Joint trustees

(2) Where land referred to in subsection 1 was, before the agreement, held by different bodies of trustees, the religious organizations may direct them in the agreement or otherwise to convey or transfer the land to the joint trustees appointed in accordance with subsection 1 and their successors. R.S.O. 1970, c. 411, ss. 14, 18 (1), *amended.* Conveyance to joint trustees

Authorization  
required to  
exercise of  
powers

**6.**—(1) The trustees of a religious organization shall not exercise any of the powers conferred upon them by this Act until they are authorized to do so by resolution of the organization, and the organization may attach such terms or conditions to any such authorization as it considers expedient.

Authorization  
in case of  
joint  
trustees

(2) In the case of joint trustees for two or more religious organizations, the authorization shall be obtained by resolutions adopted by each religious organization for whose benefit land is or is to be held. *New.*

Power to  
enter into  
agreements  
to purchase  
land

**7.** The trustees of a religious organization may enter into agreements to purchase land for the benefit of the organization for any of the purposes of this Act. *New.*

Power to  
conduct  
actions

**8.** The trustees of a religious organization may, individually or by collective designation, maintain and defend actions for the protection of the land and of the interest of the religious organization therein. *New.*

Power to  
mortgage  
land

**9.**—(1) The trustees of a religious organization may secure any debt contracted for the acquisition or improvement of land under this Act, or for the building, repairing, extending or improving of any buildings thereon, by a mortgage or charge on all or any part of the land of the organization. R.S.O. 1970, c. 411, s. 4, *amended.*

Power to  
release  
equity of  
redemption

(2) If a mortgage or charge on land held by the trustees of a religious organization for the benefit of the organization is in arrears as to principal or interest, or both, the trustees may release, transfer or convey to the mortgagee or chargee or his assigns the equity of redemption in the land, or any part thereof, in satisfaction of the whole or any part of the debt. *New.*

Power to  
lease

**10.**—(1) The trustees of a religious organization may lease, for one term of forty years or for more than one term of not more than forty years in all, any land held by them for the benefit of the organization which is no longer required by it for any of the purposes enumerated in section 2, at such rent and upon such terms and conditions as they consider expedient.

Power to  
agree to  
renewal  
terms

(2) In any such lease, the trustees,

(a) may, subject to the forty year maximum period specified in subsection 1, agree for the renewal thereof at the expiration of any or every term of

years for a further term or terms at such rent and on such terms and conditions as may be agreed; or

- (b) may agree to pay to the lessee, his heirs, executors, administrators, successors or assigns a sum equal to the value of any buildings or other improvements that may at the expiration of any term be on the demised land.

(3) The method of ascertaining the amount of the rent <sup>Method of ascertaining rent</sup> during any renewal term or the value of the buildings or other improvements to be paid at the end of any term may be specified in the original or in any subsequent lease. R.S.O. 1970, c. 411, s. 6 (1, 2), *amended*.

(4) The trustees may take all proceedings for the recovery <sup>Recovery of rent and the land</sup> of rent or arrears of rent and of the demised land that landlords are entitled by law to take. R.S.O. 1970, c. 411, s. 6 (4), *amended*.

(5) A religious organization may by resolution give its trustees a general authorization to lease any land held by them for terms not exceeding three years per term and when <sup>Power to enter into short term leases</sup> so authorized the trustees may, without further authorization, lease the land from time to time for a term or terms not exceeding three years per term. *New*.

**11.**—(1) The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, sell or exchange at any time land held by them if the organization has by resolution determined that the land is no longer necessary for its purposes. <sup>Power to sell</sup>

(2) When land of a religious organization is not required <sup>Surplus land subject to</sup> for its actual occupation for a purpose set out in section 2 <sup>R.S.O. 1970, c. 280, s. 7</sup> and is not leased under section 10, *The Mortmain and Charitable Uses Act* applies in the same manner as if the land were then assured to the religious organization for charitable purposes.

(3) Subsection 1 does not affect any special powers or <sup>Special powers not affected</sup> trusts for sale contained in any instrument inconsistent therewith. R.S.O. 1970, c. 411, s. 7, *amended*.

**12.** The trustees of a religious organization out of which <sup>Conveyance to trustees of new religious organization</sup> a separate religious organization is formed may convey or transfer to the trustees of the separate organization such part of the land held by them as is appropriate. R.S.O. 1970, c. 411, s. 9, *amended*.



Conveyance  
where  
religious  
organizations  
unite

**13.** Where a religious organization desires to unite with another religious organization, the trustees of either organization may convey or transfer any land held by them to the trustees of the other religious organization or to the trustees of the united religious organization. R.S.O. 1970, c. 411, s. 10, *amended*.

Conveyance  
to denomi-  
national  
board or  
trustees

**14.** The trustees of a religious organization may convey or transfer any land held by them for the benefit of the organization to an incorporated board or to trustees of the denomination or subdivision thereof of which the organization forms a part. R.S.O. 1970, c. 411, s. 11, *amended*.

Duty to account

**15.** The trustees of a religious organization selling or leasing land under the authority of this Act shall on the first Monday in June in each year have ready and open for the inspection of the members of the organization a detailed statement showing the rents that accrued during the preceding year and all sums in their hands for the use and benefit of the organization that were in any manner derived from land under their control or subject to their management, and also showing the application of any portion of the money that has been expended on behalf of the organization. R.S.O. 1970, c. 411, s. 16, *amended*.

Resolutions

**16.** A resolution respecting any of the purposes of this Act is adopted if the majority of those present at the meeting called for that purpose and entitled to vote thereat vote in favour of the resolution. *New*.

Notice of  
meeting

**17.—(1)** A notice calling a meeting of a religious organization for any of the purposes of this Act,

(a) shall specify the purpose of the meeting; and

(b) shall be given in accordance with the constitution, practice or custom of the religious organization.

Idem

(2) Where the constitution, practice or custom of a religious organization has no provision for the giving of notice calling a meeting, at least two weeks notice shall be given personally or by mail, or notice may be given by announcement at an open service at least once in each of the two weeks immediately preceding the week in which the meeting is proposed to be held. R.S.O. 1970, c. 411, ss. 3 (2), 8 (2), *amended*.

Keeping of  
records

**18.—(1)** A copy of a resolution adopted under this Act shall be signed by the chairman and the secretary of the meeting at which it was adopted and shall be entered in



the minute book or other record kept for that purpose. R.S.O. 1970, c. 411, s. 15 (1), *part, amended*.

(2) A copy of a resolution adopted under this Act, <sup>Evidence</sup> certified as being a true copy by an officer of the organization, is *prima facie* proof of the matters therein stated. R.S.O. 1970, c. 411, s. 15 (3), *amended*.

(3) Failure to comply with subsection 1 does not invalidate <sup>Omissions</sup> the resolution or anything done under it. *New*.

**19.** Any instrument affecting land made by or to trustees <sup>Instruments made pursuant to Act</sup> under this Act shall be expressed to be made under this Act, but failure to do so does not render the instrument void. *New*.

**20.**—(1) Where letters patent from the Crown or a grant, <sup>Former conveyance</sup> conveyance or devise made before this Act comes into force is made to persons described as trustees for a religious organization and to their successors, this Act applies to them and to the religious organization in the same manner as if the persons were duly appointed as trustees under this Act.

(2) Where more than one letters patent from the Crown, <sup>Use of several names</sup> grant, conveyance or devise have been made for the benefit of a religious organization under different names, the organization may at a meeting by resolution adopt one of the names or another name as the name in which its trustees shall hold the land thereafter. *New*.

**21.** A change in the name of a religious organization <sup>Change of name</sup> or manner in which the trustees are described does not affect the title to land held by the organization or its trustees in the former name. R.S.O. 1970, c. 411, s. 1 (3), *amended*.

**22.**—(1) Where a religious organization has ceased to <sup>Application to court for directions where religious organization has ceased to exist</sup> exist, or where the authorization required under section 6 cannot be obtained for any reason other than a dispute among the members of the organization concerning the organization's property, the persons in whom the land of the organization is vested as trustees or, upon their failure to do so or where no trustees remain in office, any interested person or the Public Trustee may apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate for directions, and the court may authorize the trustees or may appoint and authorize any other person to exercise any of the powers conferred by this Act.

Power of  
court to  
direct sale

(2) Upon such an application, the court may direct that the land or any part thereof be disposed of or that it or the proceeds of sale thereof be distributed in such manner as it considers proper, and the court may make such vesting orders as are expedient in the circumstances. *New.*

Applications  
to court as to  
applicability  
of Act

**23.**—(1) Any organization or other body that wishes to have determined whether or not it is entitled to acquire, hold and possess land under this Act may at any time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land in question or any part thereof is situate, and the court may determine the matter.

Applications  
to court by  
Public  
Trustee

(2) In like manner, the Public Trustee may apply to have determined whether any organization or other body that purports to hold and possess or that intends to acquire, hold and possess land under this Act is entitled to do so. *New.*

Removal of  
proceeding  
into Supreme  
Court

**24.**—(1) Where an application under subsection 1 of section 22 or under section 23 is made to a county or district court, any interested party may, by notice served on the applicant and on any other interested parties, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceeding to be removed into the Supreme Court.

Transmission  
of papers to  
Supreme  
Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the office of the Supreme Court in the county or district in which the application was made.

Proceedings  
in Supreme  
Court

(3) The proceeding is removed to the Supreme Court when the papers are received at the office of the Supreme Court. *New.*

Notice to  
Public  
Trustee

**25.**—(1) Notice of an application under subsection 1 of section 22 or subsection 1 of section 23 shall be given by the applicant to the Public Trustee.

Idem

(2) In any other proceeding in which the application of this Act is in issue, the court may direct that notice be given to the Public Trustee. *New.*

Subject to  
special Acts

**26.**—(1) This Act is subject to any special Act applying to a religious organization.

(2) This Act is subject to any trusts or powers of trustees in any deed, conveyance or other instrument. R.S.O. 1970, c. 411, s. 17, *amended*. Subject to trust instruments

**27.** *The Religious Institutions Act*, being chapter 411 of the Revised Statutes of Ontario, 1970, is repealed. Repeal

**28.** Any land transaction that has been authorized but not completed under the predecessor of this Act when this Act comes into force shall be completed under the predecessor of this Act as if this Act had not been passed. Transitional provisions

**29.** This Act comes into force on the day it receives Royal Assent. Royal Commencement

**30.** The short title of this Act is *The Religious Organizations' Lands Act, 1979*. Short title

An Act to provide for the  
holding of Land by Religious  
Organizations

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*1st Reading*

May 17th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

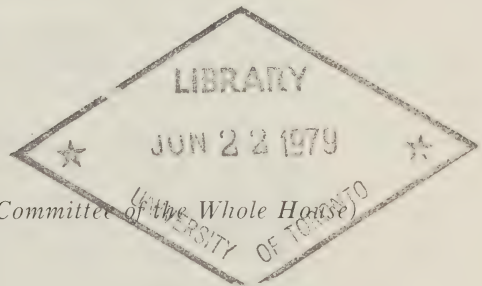
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*(Government Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to provide for the holding  
of Land by Religious Organizations**

THE HON. R. McMURTRY  
Attorney General



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

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  - (i) that is charitable according to the law of Ontario,
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and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha’i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof;

- (c) “trustees” means the trustees appointed by a religious organization to acquire, hold and possess land for its benefit, and includes their successors.

(2) In interpreting subclause i of clause b of subsection 1, <sup>Idem</sup> an organization does not cease to be charitable for the

reason only that activities that are not charitable but are merely ancillary to a charitable purpose are carried on in conjunction with a charitable purpose.

Derivative  
organizations

(3) Where a separate religious organization is formed out of an existing religious organization, whether voluntarily or otherwise, and the new organization meets the requirements of subclauses i and ii of clause b of subsection 1, it shall nevertheless be considered to be a religious organization for the purposes of this Act. *New.*

Acquisition  
and holding  
of land

**2.** A religious organization may acquire and hold land for the purpose of,

- (a) a place of worship;
- (b) a residence for its religious leader;
- (c) a burial or cremation ground;
- (d) a bookstore or a printing or publishing office;
- (e) a theological seminary or similar institution of religious instruction;
- (f) a religious camp, retreat or training centre; or
- (g) any other religious purpose,

in the name of trustees, individually or by collective designation, and their successors in perpetual succession for the benefit of the religious organization. R.S.O. 1970, c. 411, s. 1 (1), *amended*.

Appointment  
and tenure  
of trustees

**3.—(1)** A religious organization may by resolution adopted at a meeting of the organization,

- (a) appoint trustees and fill any vacancy in the office of trustee;
- (b) provide for the retirement or removal of trustees and for the appointment of their successors;
- (c) remove any trustee from office;
- (d) decrease or increase the number of trustees;
- (e) confer upon trustees the power to acquire, hold and possess land for one or more of the purposes set out in section 2.

(2) Unless the constitution or a resolution of the religious organization otherwise provides, a trustee holds office until he dies, resigns or ceases to be a member of the organization. Termination of office

(3) Where a vacancy occurs in the number of the trustees of a religious organization, until the vacancy is filled, the remaining trustees then in office have all the estate in and title to the land of the organization and have all the powers conferred by this Act with respect thereto as were originally vested in the whole number. Powers of trustees where vacancy

(4) A trustee appointed to fill a vacancy together with the trustees originally appointed or subsequently appointed and who remain in office have all the estate, title and powers vested in the original trustees. Powers of successor trustees

(5) Where no trustees of a religious organization remain in office, the land to which the organization is entitled vests automatically in trustees subsequently appointed by the organization and their successors without the necessity of any conveyance. Vesting of land in successor trustees

(6) Where a religious organization is entitled to land and the manner of appointing trustees or their successors is not set out in the instrument granting or devising the land, it vests automatically in the trustees appointed under subsection 1 and their successors to be held in trust for the organization without the necessity of any conveyance. *New.* Where successor trustees not provided for

4. Where, under the constitution, customs or practices of a religious organization, its property is vested in one person, the person shall be deemed to be a trustee and has the powers and duties of trustees under this Act. *New.* Property vested in one person

5.—(1) Each of two or more religious organizations may by resolution appoint joint trustees and provide for the appointment of their successors and may enter into agreements respecting the holding of land for their joint benefit by such joint trustees for any of the purposes enumerated in section 2 and all the provisions of this Act apply with necessary modifications to such joint trustees. Joint trustees

(2) Where land referred to in subsection 1 was, before the agreement, held by different bodies of trustees, the religious organizations may direct them in the agreement or otherwise to convey or transfer the land to the joint trustees appointed in accordance with subsection 1 and their successors. R.S.O. 1970, c. 411, ss. 14, 18 (1), *amended.* Conveyance to joint trustees

Authorization  
required to  
exercise of  
powers

**6.—**(1) The trustees of a religious organization shall not exercise any of the powers conferred upon them by this Act until they are authorized to do so by resolution of the organization, and the organization may attach such terms or conditions to any such authorization as it considers expedient.

Authorization  
in case of  
joint  
trustees

(2) In the case of joint trustees for two or more religious organizations, the authorization shall be obtained by resolutions adopted by each religious organization for whose benefit land is or is to be held. *New.*

Power to  
enter into  
agreements  
to purchase  
land

**7.** The trustees of a religious organization may enter into agreements to purchase land for the benefit of the organization for any of the purposes of this Act. *New.*

Power to  
conduct  
actions

**8.** The trustees of a religious organization may, individually or by collective designation, maintain and defend actions for the protection of the land and of the interest of the religious organization therein. *New.*

Power to  
mortgage  
land

**9.—**(1) The trustees of a religious organization may secure any debt contracted for the acquisition or improvement of land under this Act, or for the building, repairing, extending or improving of any buildings thereon, by a mortgage or charge on all or any part of the land of the organization. R.S.O. 1970, c. 411, s. 4, *amended.*

Power to  
release  
equity of  
redemption

(2) If a mortgage or charge on land held by the trustees of a religious organization for the benefit of the organization is in arrears as to principal or interest, or both, the trustees may release, transfer or convey to the mortgagee or chargee or his assigns the equity of redemption in the land, or any part thereof, in satisfaction of the whole or any part of the debt. *New.*

Power to  
lease

**10.—**(1) The trustees of a religious organization may lease, for one term of forty years or for more than one term of not more than forty years in all, any land held by them for the benefit of the organization which is no longer required by it for any of the purposes enumerated in section 2, at such rent and upon such terms and conditions as they consider expedient.

Power to  
agree to  
renewal  
terms

(2) In any such lease, the trustees,

(a) may, subject to the forty year maximum period specified in subsection 1, agree for the renewal thereof at the expiration of any or every term of





years for a further term or terms at such rent and on such terms and conditions as may be agreed; or

- (b) may agree to pay to the lessee, his heirs, executors, administrators, successors or assigns a sum equal to the value of any buildings or other improvements that may at the expiration of any term be on the demised land.

(3) The method of ascertaining the amount of the rent during any renewal term or the value of the buildings or other improvements to be paid at the end of any term may be specified in the original or in any subsequent lease. R.S.O. 1970, c. 411, s. 6 (1, 2), *amended*. Method of ascertaining rent

(4) The trustees may take all proceedings for the recovery of rent or arrears of rent and of the demised land that landlords are entitled by law to take. R.S.O. 1970, c. 411, s. 6 (4), *amended*. Recovery of rent and the land

(5) A religious organization may by resolution give its trustees a general authorization to lease any land held by them for terms not exceeding three years per term and when so authorized the trustees may, without further authorization, lease the land from time to time for a term or terms not exceeding three years per term. *New*. Power to enter into short term leases

 11. The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, grant easements or enter into covenants in respect of land held by them. *New*.  Easements and covenants

12.—(1) The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, sell or exchange at any time land held by them if the organization has by resolution determined that the land is no longer necessary for its purposes. Power to sell

(2) When land of a religious organization is not required for its actual occupation for a purpose set out in section 2 and is not leased under section 10, *The Mortmain and Charitable Uses Act* applies in the same manner as if the land were then assured to the religious organization for charitable purposes. Surplus land subject to R.S.O. 1970, c. 280, s. 7

(3) Subsection 1 does not affect any special powers or trusts for sale contained in any instrument inconsistent therewith. R.S.O. 1970, c. 411, s. 7, *amended*. Special powers not affected

Conveyance  
to trustees  
of new  
religious  
organization

**13.** The trustees of a religious organization out of which a separate religious organization is formed may convey or transfer to the trustees of the separate organization such part of the land held by them as is appropriate. R.S.O. 1970, c. 411, s. 9, *amended*.

Conveyance  
where  
religious  
organizations  
unite

**14.** Where a religious organization desires to unite with another religious organization, the trustees of either organization may convey or transfer any land held by them to the trustees of the other religious organization or to the trustees of the united religious organization. R.S.O. 1970, c. 411, s. 10, *amended*.

Conveyance  
to denomi-  
national  
board or  
trustees

**15.** The trustees of a religious organization may convey or transfer any land held by them for the benefit of the organization to an incorporated board or to trustees of the denomination or subdivision thereof of which the organization forms a part. R.S.O. 1970, c. 411, s. 11, *amended*.

Duty to account

**16.** The trustees of a religious organization selling or leasing land under the authority of this Act shall on the first Monday in June in each year have ready and open for the inspection of the members of the organization a detailed statement showing the rents that accrued during the preceding year and all sums in their hands for the use and benefit of the organization that were in any manner derived from land under their control or subject to their management, and also showing the application of any portion of the money that has been expended on behalf of the organization. R.S.O. 1970, c. 411, s. 16, *amended*.

Resolutions

**17.** A resolution respecting any of the purposes of this Act is adopted if the majority of those present at the meeting called for that purpose and entitled to vote thereat vote in favour of the resolution. *New*.

Notice of  
meeting

**18.—(1)** A notice calling a meeting of a religious organization for any of the purposes of this Act,

(a) shall specify the purpose of the meeting; and

(b) shall be given in accordance with the constitution, practice or custom of the religious organization.

Idem

(2) Where the constitution, practice or custom of a religious organization has no provision for the giving of notice calling a meeting, at least two weeks notice shall be given personally or by mail, or notice may be given by announcement at an open service at least once in each of the two weeks immediately preceding the week in which the meeting

is proposed to be held. R.S.O. 1970, c. 411, ss. 3 (2), 8 (2), *amended*.

**19.**—(1) A copy of a resolution adopted under this Act shall be signed by the chairman and the secretary of the meeting at which it was adopted and shall be entered in the minute book or other record kept for that purpose. R.S.O. 1970, c. 411, s. 15 (1), *part, amended*. Keeping of records

(2) A copy of a resolution adopted under this Act, certified as being a true copy by an officer of the organization, is *prima facie* proof of the matters therein stated. R.S.O. 1970, c. 411, s. 15 (3), *amended*. Evidence

(3) Failure to comply with subsection 1 does not invalidate the resolution or anything done under it. *New*. Omissions

**20.** Any instrument affecting land made by or to trustees under this Act shall be expressed to be made under this Act, but failure to do so does not render the instrument void. *New*. Instruments made pursuant to Act

**21.**—(1) Where letters patent from the Crown or a grant, conveyance or devise made before this Act comes into force is made to persons described as trustees for a religious organization and to their successors, this Act applies to them and to the religious organization in the same manner as if the persons were duly appointed as trustees under this Act. Former conveyance

(2) Where more than one letters patent from the Crown, grant, conveyance or devise have been made for the benefit of a religious organization under different names, the organization may at a meeting by resolution adopt one of the names or another name as the name in which its trustees shall hold the land thereafter. *New*. Use of several names

**22.** A change in the name of a religious organization or manner in which the trustees are described does not affect the title to land held by the organization or its trustees in the former name. R.S.O. 1970, c. 411, s. 1 (3), *amended*. Change of name

**23.**—(1) Where a religious organization has ceased to exist, or where the authorization required under section 6 cannot be obtained for any reason other than a dispute among the members of the organization concerning the organization's property, the persons in whom the land of the organization is vested as trustees or, upon their failure to do so or where no trustees remain in office, any interested Application to court for directions where religious organization has ceased to exist

person or the Public Trustee may apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate for directions, and the court may authorize the trustees or may appoint and authorize any other person to exercise any of the powers conferred by this Act.

Power of  
court to  
direct sale

(2) Upon such an application, the court may direct that the land or any part thereof be disposed of or that it or the proceeds of sale thereof be distributed in such manner as it considers proper, and the court may make such vesting orders as are expedient in the circumstances. *New.*

Applications  
to court as to  
applicability  
of Act

**24.**—(1) Any organization or other body that wishes to have determined whether or not it is entitled to acquire, hold and possess land under this Act may at any time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land in question or any part thereof is situate, and the court may determine the matter.

Applications  
to court by  
Public  
Trustee

(2) In like manner, the Public Trustee may apply to have determined whether any organization or other body that purports to hold and possess or that intends to acquire, hold and possess land under this Act is entitled to do so. *New.*

Removal of  
proceeding  
into Supreme  
Court

**25.**—(1) Where an application under subsection 1 of section 23 or under section 24 is made to a county or district court, any interested party may, by notice served on the applicant and on any other interested parties, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceeding to be removed into the Supreme Court.

Transmission  
of papers to  
Supreme  
Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the office of the Supreme Court in the county or district in which the application was made.

Proceedings  
in Supreme  
Court

(3) The proceeding is removed to the Supreme Court when the papers are received at the office of the Supreme Court. *New.*

Notice to  
Public  
Trustee

**26.**—(1) Notice of an application under subsection 1 of section 23 or subsection 1 of section 24 shall be given by the applicant to the Public Trustee.



(2) In any other proceeding in which the application of <sup>Idem</sup> this Act is in issue, the court may direct that notice be given to the Public Trustee. *New.*

**27.**—(1) This Act is subject to any special Act applying to a <sup>Subject to special Acts</sup> religious organization.

(2) This Act is subject to any trusts or powers of trustees <sup>Subject to trust instruments</sup> in any deed, conveyance or other instrument. R.S.O. 1970, c. 411, s. 17, *amended.*

**28.** *The Religious Institutions Act*, being chapter 411 of the <sup>Repeal</sup> Revised Statutes of Ontario, 1970, is repealed.

**29.** Any land transaction that has been authorized but not <sup>Transitional provisions</sup> completed under the predecessor of this Act when this Act comes into force shall be completed under the predecessor of this Act as if this Act had not been passed.

**30.** This Act comes into force on the day it receives <sup>Commence-ment</sup> Royal Assent.

**31.** The short title of this Act is *The Religious Organizations' <sup>Short title</sup> Lands Act, 1979.*



An Act to provide for the  
holding of Land by Religious  
Organizations

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*1st Reading*

May 17th, 1979

*2nd Reading*

May 31st, 1979

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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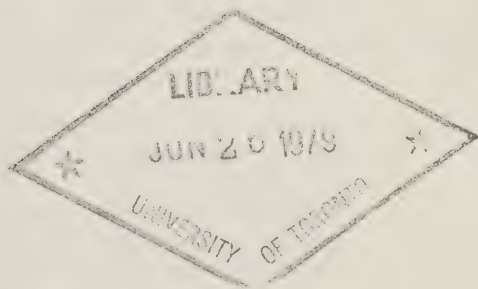
*(Reprinted as amended by the  
Committee of the Whole House)*

856  
BILL 93

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979  
*Eng. John A. ...*

**An Act to provide for the holding  
of Land by Religious Organizations**

THE HON. R. MCMURTRY  
Attorney General





BILL 93

1979

## An Act to provide for the holding of Land by Religious Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “meeting” means a meeting of the members of a religious organization that has been called by notice in accordance with section 18;
- (b) “religious organization” means an association of persons,
  - (i) that is charitable according to the law of Ontario,
  - (ii) that is organized for the advancement of religion and for the conduct of religious worship, services or rites, and
  - (iii) that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices,
 and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha’i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof;
- (c) “trustees” means the trustees appointed by a religious organization to acquire, hold and possess land for its benefit, and includes their successors.

(2) In interpreting subclause i of clause b of subsection 1, <sup>Idem</sup> an organization does not cease to be charitable for the

reason only that activities that are not charitable but are merely ancillary to a charitable purpose are carried on in conjunction with a charitable purpose.

Derivative  
organizations

(3) Where a separate religious organization is formed out of an existing religious organization, whether voluntarily or otherwise, and the new organization meets the requirements of subclauses i and ii of clause b of subsection 1, it shall nevertheless be considered to be a religious organization for the purposes of this Act. *New.*

Acquisition  
and holding  
of land

**2.** A religious organization may acquire and hold land for the purpose of,

- (a) a place of worship;
- (b) a residence for its religious leader;
- (c) a burial or cremation ground;
- (d) a bookstore or a printing or publishing office;
- (e) a theological seminary or similar institution of religious instruction;
- (f) a religious camp, retreat or training centre; or
- (g) any other religious purpose,

in the name of trustees, individually or by collective designation, and their successors in perpetual succession for the benefit of the religious organization. R.S.O. 1970, c. 411, s. 1 (1), *amended.*

Appointment  
and tenure  
of trustees

**3.—(1)** A religious organization may by resolution adopted at a meeting of the organization,

- (a) appoint trustees and fill any vacancy in the office of trustee;
- (b) provide for the retirement or removal of trustees and for the appointment of their successors;
- (c) remove any trustee from office;
- (d) decrease or increase the number of trustees;
- (e) confer upon trustees the power to acquire, hold and possess land for one or more of the purposes set out in section 2.



(2) Unless the constitution or a resolution of the religious organization otherwise provides, a trustee holds office until he dies, resigns or ceases to be a member of the organization. Termination of office

(3) Where a vacancy occurs in the number of the trustees of a religious organization, until the vacancy is filled, the remaining trustees then in office have all the estate in and title to the land of the organization and have all the powers conferred by this Act with respect thereto as were originally vested in the whole number. Powers of trustees where vacancy

(4) A trustee appointed to fill a vacancy together with the trustees originally appointed or subsequently appointed and who remain in office have all the estate, title and powers vested in the original trustees. Powers of successor trustees

(5) Where no trustees of a religious organization remain in office, the land to which the organization is entitled vests automatically in trustees subsequently appointed by the organization and their successors without the necessity of any conveyance. Vesting of land in successor trustees

(6) Where a religious organization is entitled to land and the manner of appointing trustees or their successors is not set out in the instrument granting or devising the land, it vests automatically in the trustees appointed under subsection 1 and their successors to be held in trust for the organization without the necessity of any conveyance. *New.* Where successor trustees not provided for

4. Where, under the constitution, customs or practices of a religious organization, its property is vested in one person, the person shall be deemed to be a trustee and has the powers and duties of trustees under this Act. *New.* Property vested in one person

5.—(1) Each of two or more religious organizations may by resolution appoint joint trustees and provide for the appointment of their successors and may enter into agreements respecting the holding of land for their joint benefit by such joint trustees for any of the purposes enumerated in section 2 and all the provisions of this Act apply with necessary modifications to such joint trustees. Joint trustees

(2) Where land referred to in subsection 1 was, before the agreement, held by different bodies of trustees, the religious organizations may direct them in the agreement or otherwise to convey or transfer the land to the joint trustees appointed in accordance with subsection 1 and their successors. R.S.O. 1970, c. 411, ss. 14, 18 (1), *amended.* Conveyance to joint trustees

Authorization  
required to  
exercise of  
powers

**6.**—(1) The trustees of a religious organization shall not exercise any of the powers conferred upon them by this Act until they are authorized to do so by resolution of the organization, and the organization may attach such terms or conditions to any such authorization as it considers expedient.

Authorization  
in case of  
joint  
trustees

(2) In the case of joint trustees for two or more religious organizations, the authorization shall be obtained by resolutions adopted by each religious organization for whose benefit land is or is to be held. *New.*

Power to  
enter into  
agreements  
to purchase  
land

**7.** The trustees of a religious organization may enter into agreements to purchase land for the benefit of the organization for any of the purposes of this Act. *New.*

Power to  
conduct  
actions

**8.** The trustees of a religious organization may, individually or by collective designation, maintain and defend actions for the protection of the land and of the interest of the religious organization therein. *New.*

Power to  
mortgage  
land

**9.**—(1) The trustees of a religious organization may secure any debt contracted for the acquisition or improvement of land under this Act, or for the building, repairing, extending or improving of any buildings thereon, by a mortgage or charge on all or any part of the land of the organization. R.S.O. 1970, c. 411, s. 4, *amended.*

Power to  
release  
equity of  
redemption

(2) If a mortgage or charge on land held by the trustees of a religious organization for the benefit of the organization is in arrears as to principal or interest, or both, the trustees may release, transfer or convey to the mortgagee or chargee or his assigns the equity of redemption in the land, or any part thereof, in satisfaction of the whole or any part of the debt. *New.*

Power to  
lease

**10.**—(1) The trustees of a religious organization may lease, for one term of forty years or for more than one term of not more than forty years in all, any land held by them for the benefit of the organization which is no longer required by it for any of the purposes enumerated in section 2, at such rent and upon such terms and conditions as they consider expedient.

Power to  
agree to  
renewal  
terms

(2) In any such lease, the trustees,

(a) may, subject to the forty year maximum period specified in subsection 1, agree for the renewal thereof at the expiration of any or every term of

years for a further term or terms at such rent and on such terms and conditions as may be agreed; or

- (b) may agree to pay to the lessee, his heirs, executors, administrators, successors or assigns a sum equal to the value of any buildings or other improvements that may at the expiration of any term be on the demised land.

(3) The method of ascertaining the amount of the rent during any renewal term or the value of the buildings or other improvements to be paid at the end of any term may be specified in the original or in any subsequent lease. Method of ascertaining rent  
R.S.O. 1970, c. 411, s. 6 (1, 2), *amended*.

(4) The trustees may take all proceedings for the recovery of rent or arrears of rent and of the demised land that landlords are entitled by law to take. Recovery of rent and the land  
R.S.O. 1970, c. 411, s. 6 (4), *amended*.

(5) A religious organization may by resolution give its trustees a general authorization to lease any land held by them for terms not exceeding three years per term and when so authorized the trustees may, without further authorization, lease the land from time to time for a term or terms not exceeding three years per term. Power to enter into short term leases  
*New*.

**11.** The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, grant easements or enter into covenants in respect of land held by them. Easements and covenants  
*New*.

**12.—(1)** The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, sell or exchange at any time land held by them if the organization has by resolution determined that the land is no longer necessary for its purposes. Power to sell

(2) When land of a religious organization is not required for its actual occupation for a purpose set out in section 2 and is not leased under section 10, *The Mortmain and Charitable Uses Act* applies in the same manner as if the land were then assured to the religious organization for charitable purposes. Surplus land subject to R.S.O. 1970, c. 280, s. 7

(3) Subsection 1 does not affect any special powers or trusts for sale contained in any instrument inconsistent therewith. Special powers not affected  
R.S.O. 1970, c. 411, s. 7, *amended*.

Conveyance  
to trustees  
of new  
religious  
organization

**13.** The trustees of a religious organization out of which a separate religious organization is formed may convey or transfer to the trustees of the separate organization such part of the land held by them as is appropriate. R.S.O. 1970, c. 411, s. 9, *amended*.

Conveyance  
where  
religious  
organizations  
unite

**14.** Where a religious organization desires to unite with another religious organization, the trustees of either organization may convey or transfer any land held by them to the trustees of the other religious organization or to the trustees of the united religious organization. R.S.O. 1970, c. 411, s. 10, *amended*.

Conveyance  
to denomi-  
national  
board or  
trustees

**15.** The trustees of a religious organization may convey or transfer any land held by them for the benefit of the organization to an incorporated board or to trustees of the denomination or subdivision thereof of which the organization forms a part. R.S.O. 1970, c. 411, s. 11, *amended*.

Duty to account

**16.** The trustees of a religious organization selling or leasing land under the authority of this Act shall on the first Monday in June in each year have ready and open for the inspection of the members of the organization a detailed statement showing the rents that accrued during the preceding year and all sums in their hands for the use and benefit of the organization that were in any manner derived from land under their control or subject to their management, and also showing the application of any portion of the money that has been expended on behalf of the organization. R.S.O. 1970, c. 411, s. 16, *amended*.

Resolutions

**17.** A resolution respecting any of the purposes of this Act is adopted if the majority of those present at the meeting called for that purpose and entitled to vote thereat vote in favour of the resolution. *New*.

Notice of  
meeting

**18.—(1)** A notice calling a meeting of a religious organization for any of the purposes of this Act,

(a) shall specify the purpose of the meeting; and

(b) shall be given in accordance with the constitution, practice or custom of the religious organization.

Idem

(2) Where the constitution, practice or custom of a religious organization has no provision for the giving of notice calling a meeting, at least two weeks notice shall be given personally or by mail, or notice may be given by announcement at an open service at least once in each of the two weeks immediately preceding the week in which the meeting



is proposed to be held. R.S.O. 1970, c. 411, ss. 3 (2), 8 (2), *amended*.

**19.**—(1) A copy of a resolution adopted under this Act shall be signed by the chairman and the secretary of the meeting at which it was adopted and shall be entered in the minute book or other record kept for that purpose. R.S.O. 1970, c. 411, s. 15 (1), *part, amended*. Keeping of records

(2) A copy of a resolution adopted under this Act, certified as being a true copy by an officer of the organization, is *prima facie* proof of the matters therein stated. R.S.O. 1970, c. 411, s. 15 (3), *amended*. Evidence

(3) Failure to comply with subsection 1 does not invalidate the resolution or anything done under it. *New*. Omissions

**20.** Any instrument affecting land made by or to trustees under this Act shall be expressed to be made under this Act, but failure to do so does not render the instrument void. *New*. Instruments made pursuant to Act

**21.**—(1) Where letters patent from the Crown or a grant, conveyance or devise made before this Act comes into force is made to persons described as trustees for a religious organization and to their successors, this Act applies to them and to the religious organization in the same manner as if the persons were duly appointed as trustees under this Act. Former conveyance

(2) Where more than one letters patent from the Crown, grant, conveyance or devise have been made for the benefit of a religious organization under different names, the organization may at a meeting by resolution adopt one of the names or another name as the name in which its trustees shall hold the land thereafter. *New*. Use of several names

**22.** A change in the name of a religious organization or manner in which the trustees are described does not affect the title to land held by the organization or its trustees in the former name. R.S.O. 1970, c. 411, s. 1 (3), *amended*. Change of name

**23.**—(1) Where a religious organization has ceased to exist, or where the authorization required under section 6 cannot be obtained for any reason other than a dispute among the members of the organization concerning the organization's property, the persons in whom the land of the organization is vested as trustees or, upon their failure to do so or where no trustees remain in office, any interested Application to court for directions where religious organization has ceased to exist



person or the Public Trustee may apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate for directions, and the court may authorize the trustees or may appoint and authorize any other person to exercise any of the powers conferred by this Act.

Power of  
court to  
direct sale

(2) Upon such an application, the court may direct that the land or any part thereof be disposed of or that it or the proceeds of sale thereof be distributed in such manner as it considers proper, and the court may make such vesting orders as are expedient in the circumstances. *New.*

Applications  
to court as to  
applicability  
of Act

**24.**—(1) Any organization or other body that wishes to have determined whether or not it is entitled to acquire, hold and possess land under this Act may at any time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land in question or any part thereof is situate, and the court may determine the matter.

Applications  
to court by  
Public  
Trustee

(2) In like manner, the Public Trustee may apply to have determined whether any organization or other body that purports to hold and possess or that intends to acquire, hold and possess land under this Act is entitled to do so. *New.*

Removal of  
proceeding  
into Supreme  
Court

**25.**—(1) Where an application under subsection 1 of section 23 or under section 24 is made to a county or district court, any interested party may, by notice served on the applicant and on any other interested parties, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceeding to be removed into the Supreme Court.

Transmission  
of papers to  
Supreme  
Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the office of the Supreme Court in the county or district in which the application was made.

Proceedings  
in Supreme  
Court

(3) The proceeding is removed to the Supreme Court when the papers are received at the office of the Supreme Court. *New.*

Notice to  
Public  
Trustee

**26.**—(1) Notice of an application under subsection 1 of section 23 or subsection 1 of section 24 shall be given by the applicant to the Public Trustee.

(2) In any other proceeding in which the application of <sup>Idem</sup> this Act is in issue, the court may direct that notice be given to the Public Trustee. *New.*

**27.**—(1) This Act is subject to any special Act applying to a <sup>Subject to</sup> religious organization. <sup>special Acts</sup>

(2) This Act is subject to any trusts or powers of trustees <sup>Subject</sup> in any deed, conveyance or other instrument. R.S.O. 1970, <sup>to trust</sup> c. 411, s. 17, *amended.* <sup>instruments</sup>

**28.** *The Religious Institutions Act*, being chapter 411 of the <sup>Repeal</sup> Revised Statutes of Ontario, 1970, is repealed.

**29.** Any land transaction that has been authorized but not <sup>Transitional</sup> completed under the predecessor of this Act when this Act comes <sup>provisions</sup> into force shall be completed under the predecessor of this Act as if this Act had not been passed.

**30.** This Act comes into force on the day it receives <sup>Royal</sup> Assent. <sup>Commence-</sup>

**31.** The short title of this Act is *The Religious Organizations' Lands Act, 1979.* <sup>Short title</sup>

An Act to provide for the  
holding of Land by Religious  
Organizations

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*1st Reading*

May 17th, 1979

*2nd Reading*

May 31st, 1979

*3rd Reading*

June 12th, 1979

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THE HON. R. McMurtry  
Attorney General

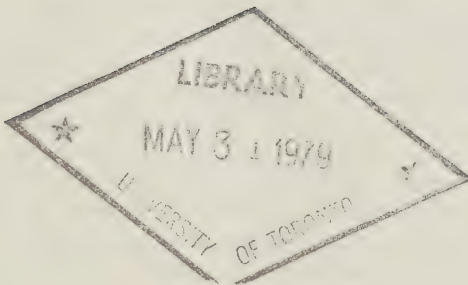
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11  
3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

Legislative Assembly  
11

**An Act respecting  
The Anglican Church of Canada**

THE HON. R. MCMURTRY  
Attorney General



#### EXPLANATORY NOTE

This Bill is complementary to the Bill for *The Religious Organizations' Lands Act, 1979*.

The content of the Bill now appears as section 19 of *The Religious Institutions Act*.

In view of the widened scope of *The Religious Organizations' Lands Act, 1979*, the special provisions for the Anglican Church are separated into a separate Act.



BILL 94

1979

## An Act respecting The Anglican Church of Canada

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All the rights, powers and privileges conferred upon any religious organization by *The Religious Organizations' Lands Act, 1979* or any predecessor thereof extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights  
extended to  
The Anglican  
Church of  
Canada  
1979, c. . . .

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of *The Religious Organizations' Lands Act, 1979* be deemed to be trustees within the meaning thereof.

Incumbent  
and church-  
wardens to  
be trustees

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chaptered 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the bishop, parson, rector or incumbent or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee with the same powers and duties as trustees under *The Religious Organizations' Lands Act, 1979*.

Bishop, etc.,  
to be trustees  
under 3 V.,  
c. 74, s. 16

(4) In cases of property vested in the bishop of any diocese in trust, not covered by subsection 3, the bishop shall also be deemed to be a trustee with the same powers as trustees under *The Religious Organizations' Lands Act, 1979*.

Property  
vested in  
the bishop  
in trust

Property  
vested in the  
synod in  
trust within  
7 V., c. 68  
and 32 V., c. 51

(5) In cases of property vested in the synod of any diocese within the Act passed in the seventh year of the reign of Her late Majesty Queen Victoria, chaptered 68, intituled *An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto*, and the Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chaptered 51, intituled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed to be a trustee with the same powers and duties as trustees under *The Religious Organizations' Lands Act, 1979* and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may by by-law appoint for that purpose. R.S.O. 1970, c. 411, s. 19 (1-5), *amended*.

1979, c. . . .

How land  
may be  
sold or  
encumbered,  
consent  
requisite

**2.—**(1) Land shall not be sold or leased, mortgaged or otherwise encumbered under the powers conferred by *The Religious Organizations' Lands Act, 1979*, except with the consent of the vestry of the church or congregation interested therein and of the bishop of the diocese and the executive committee of the synod of the diocese, and the consent of the vestry given in accordance with the rules and canons of the church shall be deemed to be the consent of the congregation.

Evidence of  
consent

(2) The execution of a conveyance of land by the bishop, coadjutor bishop or a suffragan bishop of the diocese and by the secretary or secretaries of the synod, or a memorandum of consent endorsed thereon and signed by them, is, in favour of the grantee, his heirs and assigns, conclusive evidence of the consent of the vestry, the bishop and the executive committee. R.S.O. 1970, c. 411, s. 19 (6), *amended*.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Anglican Church of Canada Act, 1979*.









An Act respecting  
The Anglican Church of Canada

---

*1st Reading*

May 17th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. McMURTRY  
Attorney General

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*(Government Bill)*

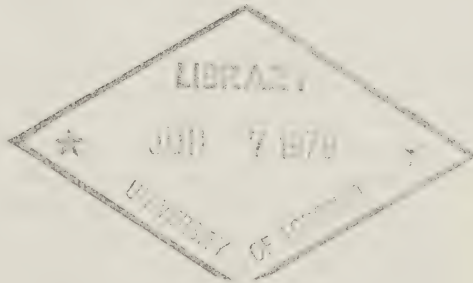
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**BILL 94**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act respecting  
The Anglican Church of Canada**

THE HON. R. MCMURTRY  
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 94

1979

## An Act respecting The Anglican Church of Canada

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All the rights, powers and privileges conferred upon any religious organization by *The Religious Organizations' Lands Act, 1979* or any predecessor thereof extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights  
extended to  
The Anglican  
Church of  
Canada  
1979, c. . . .

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of *The Religious Organizations' Lands Act, 1979* be deemed to be trustees within the meaning thereof.

Incumbent  
and church-  
wardens to  
be trustees

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chaptered 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the bishop, parson, rector or incumbent or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee with the same powers and duties as trustees under *The Religious Organizations' Lands Act, 1979*.

Bishop, etc.,  
to be trustees  
under 3 V.,  
c. 74, s. 16

(4) In cases of property vested in the bishop of any diocese in trust, not covered by subsection 3, the bishop shall also be deemed to be a trustee with the same powers as trustees under *The Religious Organizations' Lands Act, 1979*.

Property  
vested in  
the bishop  
in trust

Property  
vested in the  
synod in  
trust within  
7 V., c. 68  
and 32 V., c. 51

1979, c. . . .

How land  
may be  
sold or  
encumbered,  
consent  
requisite

Evidence of  
consent

Commence-  
ment

Short title

(5) In cases of property vested in the synod of any diocese within the Act passed in the seventh year of the reign of Her late Majesty Queen Victoria, chaptered 68, intituled *An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto*, and the Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chaptered 51, intituled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed to be a trustee with the same powers and duties as trustees under *The Religious Organizations' Lands Act, 1979* and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may by by-law appoint for that purpose. R.S.O. 1970, c. 411, s. 19 (1-5), *amended*.

**2.**—(1) Land shall not be sold or leased, mortgaged or otherwise encumbered under the powers conferred by *The Religious Organizations' Lands Act, 1979*, except with the consent of the vestry of the church or congregation interested therein and of the bishop of the diocese and the executive committee of the synod of the diocese, and the consent of the vestry given in accordance with the rules and canons of the church shall be deemed to be the consent of the congregation.

(2) The execution of a conveyance of land by the bishop, coadjutor bishop or a suffragan bishop of the diocese and by the secretary or secretaries of the synod, or a memorandum of consent endorsed thereon and signed by them, is, in favour of the grantee, his heirs and assigns, conclusive evidence of the consent of the vestry, the bishop and the executive committee. R.S.O. 1970, c. 411, s. 19 (6), *amended*.

**3.** This Act comes into force on the day it receives Royal Assent.

**4.** The short title of this Act is *The Anglican Church of Canada Act, 1979*.









An Act respecting  
The Anglican Church of Canada

---

*1st Reading*

May 17th, 1979

*2nd Reading*

May 31st, 1979

*3rd Reading*

May 31st, 1979

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THE HON. R. McMURTRY  
Attorney General

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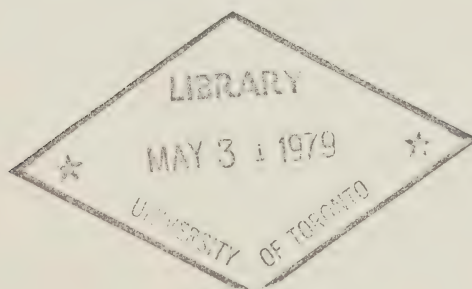
**BILL 95**

**Government Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend  
The Regional Municipality of Haldimand-Norfolk Act, 1973**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of this Bill is to amend the quorum requirements for the Regional Council of The Regional Municipality of Haldimand-Norfolk. Under the proposed amendment, ten members of the Regional Council representing at least four area municipalities will be necessary to form a quorum. At present, ten members of the Regional Council representing all of the area municipalities are necessary to form a quorum.



BILL 95

1979

**An Act to amend  
The Regional Municipality of Haldimand-  
Norfolk Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: <sup>s. 11 (1),  
re-enacted</sup>

(1) Ten members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. <sup>Quorum,  
voting</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
3. The short title of this Act is *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1979*. <sup>Short title</sup>

An Act to amend  
The Regional Municipality of  
Haldimand-Norfolk Act, 1973

---

*1st Reading*

May 17th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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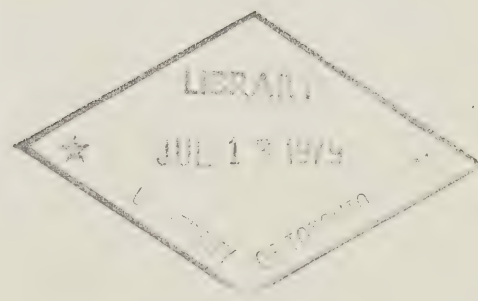
Government  
Publications

3RD SESSION, 31ST LEGISLATURE, <sup>4</sup>ONTARIO  
28 ELIZABETH II, 1979

Legislative Assembly

**An Act to amend  
The Regional Municipality of Haldimand-Norfolk Act, 1973**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





BILL 95

1979

**An Act to amend  
The Regional Municipality of Haldimand-  
Norfolk Act, 1973**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 11 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed <sup>s. 11 (1), re-enacted</sup> and the following substituted therefor:
 

(1) Ten members of the Regional Council representing at least four area municipalities are necessary to form a quorum <sup>Quorum, voting</sup> and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
3. The short title of this Act is *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1979*. <sup>Short title</sup>

An Act to amend  
The Regional Municipality of  
Haldimand-Norfolk Act, 1973

---

*1st Reading*

May 17th, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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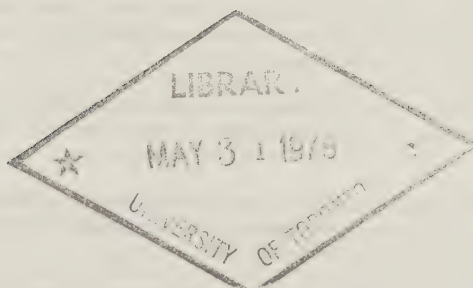
**BILL 96**

**Government Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend The Planning Act**

THE HON. C. BENNETT  
Minister of Housing



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTE

Section 35a of the Act now reads,

- 35a.—(1) *In this section and in section 35b, “redevelopment” means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.*
- (2) *Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:*
- 1. Widenings of highways that abut on the land that is being developed or redeveloped.*
  - 2. Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing including the number, location and size of such facilities and the direction of traffic thereon.*
  - 3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.*
  - 4. Walkways and all other means of pedestrian access.*
  - 5. Removal of snow from access ramps, driveways, parking areas and walkways.*
  - 6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.*
  - 7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.*
  - 8. Floodlighting of the land or of any buildings or structures thereon.*
  - 9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.*
  - 10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.*
  - 11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.*
  - 12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.*
- (3) *Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.*
- (4) *A by-law that includes provisions authorized by subsection 2 may,*

- (a) *provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of The Municipal Act shall apply;*
  - (b) *require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and*
  - (c) *prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause b have been entered into.*
- (5) *Any agreement entered into, as referred to in clause b of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of The Registry Act and The Land Titles Act, any and all subsequent owners of the land.*
- (6) *Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause b of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.*

Under the existing legislation, a municipality that wishes to exercise the development control powers set out in the section must do so within the framework of a zoning by-law passed under section 35. In a recent decision, the Supreme Court of Canada held to be *ultra vires* By-law 419-74 of the City of Toronto dealing with development control on the grounds that it was not a valid exercise of the power conferred under section 35a to, in essence, repeat in the by-law the language of the section. Other municipalities have passed by-laws similar in form to that of the City of Toronto. It is not however practicable to set out in a by-law what is required in respect of each of the enumerated matters in every circumstance in which development occurs. The section as re-enacted is designed to more explicitly confer on municipalities the power to exercise site plan control in respect of the matters enumerated in a way that permits taking into account the varying individual requirements of each proposed development of land.

Thus, under subsection 2, a municipality may by by-law designate areas within the municipality as site plan control areas. Thereupon no development of land within a designated area may take place unless the council of the municipality has approved plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith.

The other provisions of the existing section 35a providing for the entering into of agreements, the registration of such agreements against the land and appeals to the Municipal Board are basically unchanged in the section as proposed to be re-enacted.



BILL 96

1979

## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is repealed and the following substituted therefor: s. 35a,  
re-enacted

35a.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot. Interpre-  
tation

(2) Where there is an official plan in effect in a municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council. Establish-  
ment of  
site plan  
control by  
by-law

(3) A by-law passed under subsection 2 may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 35. Designation  
of site plan  
control area

(4) No person shall undertake any development in an area designated under subsection 2 unless the council of the municipality or, where a referral has been made under subsection 10, the Municipal Board has approved plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause a of subsection 7. Approval  
of plans

(5) The council or the Municipal Board, as the case may be, in approving plans under subsection 4, may control the Control of  
location and  
height of  
buildings,  
structures,  
etc.



location and height of any proposed building or structure or of any of the facilities and works required under clause *a* of subsection 7, provided the density of development permitted under any by-law passed under section 35 is not reduced without the concurrence of the owner of the land and provided the resulting development will meet all of the standards and requirements of any by-law passed under section 35.

Off-street  
loading  
and  
parking  
facilities

(6) Where the council of a municipality has passed a by-law under paragraph 5 of subsection 1 of section 35 that applies to the land on which the development is proposed, the municipality may not require the provision of any additional off-street vehicular loading and parking facilities under clause *a* of subsection 7 of this section.

Conditions  
to approval  
of plans

(7) As a condition to the approval of the plans referred to in subsection 4, a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

R.S.O. 1970,  
c. 201

1. Widenings of highways that abut on the land.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways, including the surfacing thereof and all other means of pedestrian access.
5. Facilities for the lighting, including flood-lighting, of the land or of any buildings or structures thereon.
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.



8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.

9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause *a*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause *a* or with the provision and approval of the plans referred to in subsection 4.

(8) Any agreement entered into under clause *c* of subsection 7 may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Registration  
of  
agreements

R.S.O. 1970,  
cc. 409, 234

(9) Section 469 of *The Municipal Act* applies to any requirements made under clauses *a* and *b* of subsection 7 and to any requirements made under an agreement entered into under clause *c* of subsection 7.

Application of  
R.S.O. 1970,  
c. 284

(10) Where the municipality fails to approve the plans referred to in subsection 4 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection 7 or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans and approve the same and

Appeal to  
O.M.B.

settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Planning Amendment Act, 1979*.







An Act to amend  
The Planning Act

---

*1st Reading*

May 17th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. C. BENNETT  
Minister of Housing

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(*Government Bill*)



BILL 96

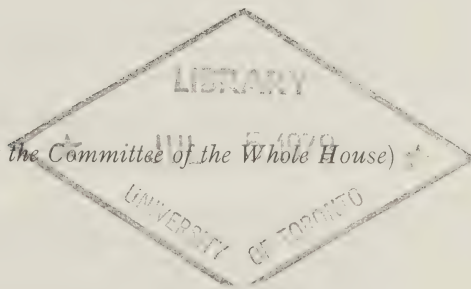
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Planning Act

THE HON. C. BENNETT  
Minister of Housing

(Reprinted as amended by the Committee of the Whole House)



TORONTO

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## EXPLANATORY NOTE

Section 35a of the Act now reads,

*35a.—(1) In this section and in section 35b, “redevelopment” means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.*

*(2) Where there is an official plan in effect in a municipality, the council of the municipality in a by-law passed under section 35 may, as a condition of development or redevelopment of land or buildings in the municipality or in any defined area or areas thereof, prohibit or require the provision, maintenance and use of the following facilities and matters or any of them and may regulate the maintenance and use of such facilities and matters:*

- 1. Widenings of highways that abut on the land that is being developed or redeveloped.*
  - 2. Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing including the number, location and size of such facilities and the direction of traffic thereon.*
  - 3. Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.*
  - 4. Walkways and all other means of pedestrian access.*
  - 5. Removal of snow from access ramps, driveways, parking areas and walkways.*
  - 6. Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.*
  - 7. Conveyance to the municipality, without cost, of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.*
  - 8. Floodlighting of the land or of any buildings or structures thereon.*
  - 9. Walls, fences, hedges, trees, shrubs or other suitable groundcover to provide adequate landscaping of the land or protection to adjoining lands.*
  - 10. Vaults, central storage and collection areas and other facilities and enclosures as may be required for the storage of garbage and other waste material.*
  - 11. Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the by-law.*
  - 12. Perspective drawings and plans showing building elevations and cross sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.*
- (3) Nothing in paragraph 12 of subsection 2 shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.*
- (4) A by-law that includes provisions authorized by subsection 2 may,*

- (a) *provide that facilities and matters required by the by-law shall be provided and maintained by the owner of the land at his sole risk and expense and to the satisfaction of the municipality, and that in default thereof the provisions of section 469 of The Municipal Act shall apply;*
  - (b) *require that the owner of the land enter into one or more agreements with the municipality dealing with the facilities and matters referred to in subsection 2; and*
  - (c) *prohibit the issuance of building permits until the plans referred to in paragraphs 11 and 12 of subsection 2 have been approved by the municipality and until the agreements referred to in clause b have been entered into.*
- (5) *Any agreement entered into, as referred to in clause b of subsection 4, may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of The Registry Act and The Land Titles Act, any and all subsequent owners of the land.*
- (6) *Where the municipality fails to approve the plans referred to in paragraphs 11 and 12 of subsection 2 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied as to the terms of the proposed agreement referred to in clause b of subsection 4 or where the municipality has refused to enter into such an agreement with the owner, the owner of the land may require the plans or agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the question as to the suitability of the plans or of the provisions of the agreement and the Board shall settle and determine the details of the plans and approve the same and settle and determine the provisions of the agreement and may require the municipality to enter into it, and the decision of the Board shall be final.*

Under the existing legislation, a municipality that wishes to exercise the development control powers set out in the section must do so within the framework of a zoning by-law passed under section 35. In a recent decision, the Supreme Court of Canada held to be *ultra vires* By-law 419-74 of the City of Toronto dealing with development control on the grounds that it was not a valid exercise of the power conferred under section 35*a* to, in essence, repeat in the by-law the language of the section. Other municipalities have passed by-laws similar in form to that of the City of Toronto. It is not however practicable to set out in a by-law what is required in respect of each of the enumerated matters in every circumstance in which development occurs. The section as re-enacted is designed to more explicitly confer on municipalities the power to exercise site plan control in respect of the matters enumerated in a way that permits taking into account the varying individual requirements of each proposed development of land.

Thus, under subsection 2, a municipality may by by-law designate areas within the municipality as site plan control areas. Thereupon no development of land within a designated area may take place unless the council of the municipality has approved plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith.

The other provisions of the existing section 35*a* providing for the entering into of agreements, the registration of such agreements against the land and appeals to the Municipal Board are basically unchanged in the section as proposed to be re-enacted.



## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is repealed and the following substituted therefor: s. 35a,  
re-enacted

35a.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot. Interpre-  
tation

(2) Where there is an official plan in effect in a municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council. Establish-  
ment of  
site plan  
control by  
by-law

(3) A by-law passed under subsection 2 may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 35. Designation  
of site plan  
control area

(4) No person shall undertake any development in an area designated under subsection 2 unless the council of the municipality or, where a referral has been made under subsection 10, the Municipal Board has approved one or both, as the council may determine, of the following: Approval of  
plans or  
drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause a of subsection 7.

2. Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected which are sufficient to display,

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause c, the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Proviso

- (5) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions  
to approval  
of plans

- (6) As a condition to the approval of the plans and drawings referred to in subsection 4, a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widenings of highways that abut on the land.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways, including the surfacing thereof, and all other means of pedestrian access.



5. Facilities for the lighting, including flood-lighting, of the land or of any buildings or structures thereon.
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause *a*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause *a* or with the provision and approval of the plans and drawings referred to in subsection 4.

(7) Any agreement entered into under clause *c* of subsection 6 may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Registration  
of  
agreements

R.S.O. 1970,  
cc. 409, 234

(8) Section 469 of *The Municipal Act* applies to any requirements made under clauses *a* and *b* of subsection 6 and to any requirements made under an agreement entered into under clause *c* of subsection 6.

Application of  
R.S.O. 1970,  
c. 284

Appeal to  
O.M.B.

(9) Where the municipality fails to approve the plans or drawings referred to in subsection 4 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection 6 or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Classes of  
development,  
delegation

(10) Where the council of a municipality has designated a site plan control area under this section the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection 4; and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause a.

Proviso

2. Notwithstanding section 1 of this Act, section 35a of *The Planning Act*, as it exists on the day before this Act comes into force, shall be deemed to continue in force in respect of any by-law passed under that section prior to the day before this Act comes into force.

Certain  
agreements  
declared  
valid and  
binding

3. Every agreement entered into by a municipality after the 16th day of December, 1973 and before the day that section 35a of *The Planning Act*, as re-enacted by section 1 of this Act, comes into force, to the extent that the agreement deals with facilities and matters mentioned in subsection 2 of section 35a of *The Planning Act* as it exists on the day before this Act comes into force, is hereby declared to be valid and binding.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Planning Amendment Act, 1979*.







An Act to amend  
The Planning Act

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*1st Reading*

May 17th, 1979

*2nd Reading*

June 5th, 1979

*3rd Reading*

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THE HON. C. BENNETT  
Minister of Housing

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*(Reprinted as amended by the  
Committee of the Whole House)*

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2  
77 BILL 96

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Planning Act

THE HON. C. BENNETT  
Minister of Housing



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



## An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is repealed and the following substituted therefor: s. 35a,  
re-enacted

35a.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot. Interpre-  
tation

(2) Where there is an official plan in effect in a municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council. Establish-  
ment of  
site plan  
control by  
by-law

(3) A by-law passed under subsection 2 may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 35. Designation  
of site plan  
control area

(4) No person shall undertake any development in an area designated under subsection 2 unless the council of the municipality or, where a referral has been made under subsection 10, the Municipal Board has approved one or both, as the council may determine, of the following: Approval of  
plans or  
drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause a of subsection 7.

2. Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected which are sufficient to display,

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause c, the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Proviso

(5) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions  
to approval  
of plans

(6) As a condition to the approval of the plans and drawings referred to in subsection 4, a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widenings of highways that abut on the land.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways, including the surfacing thereof, and all other means of pedestrian access.

5. Facilities for the lighting, including flood-lighting, of the land or of any buildings or structures thereon.
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause *a*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause *a* or with the provision and approval of the plans and drawings referred to in subsection 4.

(7) Any agreement entered into under clause *c* of subsection 6 may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Registration  
of  
agreements

R.S.O. 1970,  
c. 409, 234

(8) Section 469 of *The Municipal Act* applies to any requirements made under clauses *a* and *b* of subsection 6 and to any requirements made under an agreement entered into under clause *c* of subsection 6.

Application of  
R.S.O. 1970,  
c. 284

Appeal to  
O.M.B.

(9) Where the municipality fails to approve the plans or drawings referred to in subsection 4 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection 6 or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Classes of  
development,  
delegation

(10) Where the council of a municipality has designated a site plan control area under this section the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection 4; and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause a.

Proviso

2. Notwithstanding section 1 of this Act, section 35a of *The Planning Act*, as it exists on the day before this Act comes into force, shall be deemed to continue in force in respect of any by-law passed under that section prior to the day before this Act comes into force.

Certain  
agreements  
declared  
valid and  
binding

3. Every agreement entered into by a municipality after the 16th day of December, 1973 and before the day that section 35a of *The Planning Act*, as re-enacted by section 1 of this Act, comes into force, to the extent that the agreement deals with facilities and matters mentioned in subsection 2 of section 35a of *The Planning Act* as it exists on the day before this Act comes into force, is hereby declared to be valid and binding.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Planning Amendment Act, 1979*.





An Act to amend  
The Planning Act

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*1st Reading*

May 17th, 1979

*2nd Reading*

June 5th, 1979

*3rd Reading*

June 22nd, 1979

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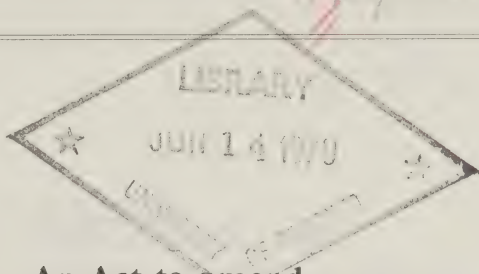
THE HON. C. BENNETT  
Minister of Housing

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**BILL 98**

**Private Member's Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979



**An Act to amend  
The Employment Standards Act, 1974**

MR. LUPUSELLA

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of this Bill is to establish a standard relating to the installation and operation of electronic surveillance systems in places of employment. The Bill permits the installation of these systems only where it is reasonably necessary for the protection of the health or safety of employees. The onus of establishing that the installation and operation of a surveillance system is reasonably necessary for this purpose is placed upon the employer.

BILL 98

1979

**An Act to amend  
The Employment Standards Act, 1974**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act, 1974*, being chapter 112, is <sup>s. 15a,</sup> amended by adding thereto the following section. <sub>enacted</sub>

15a. No employer shall install or operate an electronic surveillance device or system in a place of employment to record or monitor the work and other activities of his employees unless the installation and operation of such device or system is reasonably necessary, the proof of which lies upon the employer, for the protection of the health and safety of the employees. Electronic surveillance

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Employment Standards Amendment Act, 1979*. Short title

An Act to amend  
The Employment Standards Act, 1974

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*1st Reading*

May 18th, 1979

*2nd Reading*

*3rd Reading*

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MR. LUPSELLA

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*(Private Member's Bill)*



1556  
BILL 99

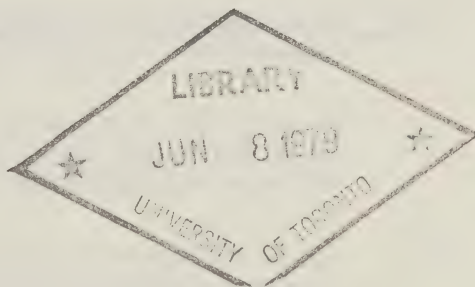
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend  
The Public Transportation and Highway Improvement Act

THE HON. J. W. SNOW  
Minister of Transportation and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1. The Act now authorizes the closing of a highway that is under construction or while maintenance is carried out. The provision being recast now provides for the erection of flashing lights that are visible at 500 feet. The provision as recast omits the reference to flashing lights and requires, instead, erection of appropriate warning devices, lights or reflective material.

SECTIONS 2 AND 3. The only changes are conversions into metric measurements.

BILL 99

1979

**An Act to amend  
The Public Transportation and  
Highway Improvement Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 25 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 25 (3),  
re-enacted

(3) While the King's Highway is closed to traffic under subsection 1, the Minister or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade or other appropriate warning devices displaying lights or reflective material and, where applicable, detour signs indicating the alternative route. Barricades

2. Subsection 2 of section 31 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 41, section 2, is further amended by, s. 31 (2),  
amended

- (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the third line and inserting in lieu thereof "180 metres";
- (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the second line and inserting in lieu thereof "180 metres";
- (c) in clause *c*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
- (d) in clause *d*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 35 (2),  
amended

- 3.** Subsection 2 of section 35 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 41, section 4, is further amended by,

- (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "1300 feet" in the third line and inserting in lieu thereof "395 metres";
- (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "1,300 feet" in the second line and inserting in lieu thereof "395 metres";
- (c) in clause *c*, striking out "150 feet" in the second and third lines and inserting in lieu thereof "45 metres" and by striking out "1,300 feet" in the fourth line and inserting in lieu thereof "395 metres";
- (d) in clause *d*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres";
- (e) in clause *e*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
- (f) in clause *f*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 43 (1),  
amended

- 4.** Subsection 1 of section 43 of the said Act is amended by striking out "registered as a civil engineer under" in the third and fourth lines and inserting in lieu thereof "as defined in".

s. 51 (1),  
amended

- 5.—(1)** Subsection 1 of section 51 of the said Act is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 51 (2),  
amended

- (2) Subsection 2 of the said section 51 is amended by striking out "twenty feet" in the fourth and fifth lines and inserting in lieu thereof "six metres".

s. 51 (3),  
amended

- (3) Subsection 3 of the said section 51 is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 56 (6),  
amended

- 6.—(1)** Subsection 6 of section 56 of the said Act is amended by striking out "twenty-two feet" in the first and second lines and inserting in lieu thereof "seven metres".

SECTION 4. This is a housekeeping change where the reference to a professional engineer registered as a civil engineer under *The Professional Engineers Act* is changed to a reference to a professional engineer as defined in that Act.

SECTIONS 5, 6, 7 AND 8. The only changes are conversions into metric measurements.

SECTION 9. The definition of "public transportation" is amended to include special transportation facilities for the physically disabled.

SECTION 10. The change is a conversion into a metric measurement.

SECTION 11. The amendment is similar to the one made by section 1 of the Bill. The provision recast by section 1 of the Bill referred to roads closed for work authorized under Part I of the Act. The provision in section 94 of the Act refers to roads closed for work authorized under the Act.



- (2) Subsection 7 of the said section 56 is amended by striking out <sup>s. 56 (7),  
amended</sup> "twenty-two feet" in the second line and in the fifth line and inserting in lieu thereof in each instance "seven metres".
  - (3) Subsection 8 of the said section 56 is amended by striking out <sup>s. 56 (8),  
amended</sup> "twenty-two feet" in the first line and in the seventh line and inserting in lieu thereof in each instance "seven metres".
  - (4) Subsection 10 of the said section 56 is amended by striking out <sup>s. 56 (10),  
amended</sup> "twenty-two feet" in the second line and inserting in lieu thereof "seven metres".
  - (5) Subsection 11 of the said section 56 is amended by striking out <sup>s. 56 (11),  
amended</sup> "twenty-two feet" in the second line and in the sixth line and inserting in lieu thereof in each instance "seven metres".
7. Subsection 1 of section 60 of the said Act is amended by striking out <sup>s. 60 (1),  
amended</sup> "150 feet" in the second and third lines and inserting in lieu thereof "45 metres".
  8. Subsection 1 of section 61 of the said Act is amended by, <sup>s. 61 (1),  
amended</sup>
    - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres"; and
    - (b) in clause *b*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".
  9. Clause *b* of subsection 1 of section 87*b* of the said Act, as enacted by <sup>s. 87*b* (1) (*b*),  
re-enacted</sup> the Statutes of Ontario, 1971, chapter 61, section 14, is repealed and the following substituted therefor:
    - (b) "public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation and includes special transportation facilities for the physically disabled, but does not include transportation by special purpose facilities such as school buses or ambulances.
  10. Subsection 2 of section 93 of the said Act is amended by striking out <sup>s. 93 (2),  
amended</sup> "cubic yard or per acre" in the second line and inserting in lieu thereof "cubic metre or per hectare".
  11. Subsection 3 of section 94 of the said Act is repealed and the <sup>s. 94 (3),  
re-enacted</sup> following substituted therefor:



- Barricades (3) While a road is closed to traffic under subsection 1, the road superintendent or a person authorized by him shall protect it by erecting or causing to be erected at each end of it, and, wherever an alternative route deviates from it, a barricade or other appropriate warning devices displaying lights or reflective material and, where applicable, detour signs indicating the alternative route.
- Commencement **12.**—(1) This Act, except sections 2, 3, 5, 6, 7, 8 and 9, comes into force on the day it receives Royal Assent.
- Idem (2) Sections 2, 3, 5, 6, 7, 8 and 9 come into force on the 1st day of July, 1979.
- Short title **13.** The short title of this Act is *The Public Transportation and Highway Improvement Amendment Act, 1979*.







An Act to amend  
The Public Transportation and  
Highway Improvement Act

---

*1st Reading*

May 25th, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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*(Government Bill)*

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86

Commons  
Publications

**BILL 99**

**Government Bill**

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*28 Elizabeth II, 1979*

**An Act to amend  
The Public Transportation and Highway Improvement Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications

*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTIONS 1 AND 2. The only changes are conversions into metric measurements.



BILL 99

1979

## An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 31 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 41, section 2, is further amended by, s. 31 (2),  
amended
  - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the third line and inserting in lieu thereof "180 metres";
  - (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the second line and inserting in lieu thereof "180 metres";
  - (c) in clause *c*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
  - (d) in clause *d*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".
2. Subsection 2 of section 35 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 41, section 4, is further amended by, s. 35 (2),  
amended
  - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "1300 feet" in the third line and inserting in lieu thereof "395 metres";

- (b) in clause *b*, striking out “150 feet” in the first line and inserting in lieu thereof “45 metres” and by striking out “1,300 feet” in the second line and inserting in lieu thereof “395 metres”;
- (c) in clause *c*, striking out “150 feet” in the second and third lines and inserting in lieu thereof “45 metres” and by striking out “1,300 feet” in the fourth line and inserting in lieu thereof “395 metres”;
- (d) in clause *d*, striking out “one-quarter mile” in the second line and inserting in lieu thereof “400 metres”;
- (e) in clause *e*, striking out “two feet by one foot” in the third line and inserting in lieu thereof “sixty centimetres by thirty centimetres” and by striking out “one-quarter mile” in the sixth line and inserting in lieu thereof “400 metres”; and
- (f) in clause *f*, striking out “one-half mile” in the first line and inserting in lieu thereof “800 metres”.

s. 43 (1),  
amended

- 3.** Subsection 1 of section 43 of the said Act is amended by striking out “registered as a civil engineer under” in the third and fourth lines and inserting in lieu thereof “as defined in”.

s. 51 (1),  
amended

- 4.—(1)** Subsection 1 of section 51 of the said Act is amended by striking out “twenty feet” in the second line and inserting in lieu thereof “six metres”.

s. 51 (2),  
amended

- (2) Subsection 2 of the said section 51 is amended by striking out “twenty feet” in the fourth and fifth lines and inserting in lieu thereof “six metres”.

s. 51 (3),  
amended

- (3) Subsection 3 of the said section 51 is amended by striking out “twenty feet” in the second line and inserting in lieu thereof “six metres”.

s. 56 (6),  
amended

- 5.—(1)** Subsection 6 of section 56 of the said Act is amended by striking out “twenty-two feet” in the first and second lines and inserting in lieu thereof “seven metres”.

s. 56 (7),  
amended

- (2) Subsection 7 of the said section 56 is amended by striking out “twenty-two feet” in the second line and in the fifth line and inserting in lieu thereof in each instance “seven metres”.

s. 56 (8),  
amended

- (3) Subsection 8 of the said section 56 is amended by striking out “twenty-two feet” in the first line and in the seventh line and inserting in lieu thereof in each instance “seven metres”.

SECTION 3. This is a housekeeping change where the reference to a professional engineer registered as a civil engineer under *The Professional Engineers Act* is changed to a reference to a professional engineer as defined in that Act.

SECTIONS 4, 5, 6 AND 7. The only changes are conversions into metric measurements.

SECTION 8. The definition of "public transportation" is amended to include special transportation facilities for the physically disabled.

SECTION 9. The change is a conversion into a metric measurement.

(4) Subsection 10 of the said section 56 is amended by striking out "twenty-two feet" in the second line and inserting in lieu thereof "seven metres". s. 56 (10),  
amended

(5) Subsection 11 of the said section 56 is amended by striking out "twenty-two feet" in the second line and in the sixth line and inserting in lieu thereof in each instance "seven metres". s. 56 (11),  
amended

6. Subsection 1 of section 60 of the said Act is amended by striking out "150 feet" in the second and third lines and inserting in lieu thereof "45 metres". s. 60 (1),  
amended

7. Subsection 1 of section 61 of the said Act is amended by, s. 61 (1),  
amended

(a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres"; and

(b) in clause *b*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".

8. Clause *b* of subsection 1 of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed and the following substituted therefor: s. 87*b* (1) (*b*),  
re-enacted

(b) "public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation and includes special transportation facilities for the physically disabled, but does not include transportation by special purpose facilities such as school buses or ambulances.

9. Subsection 2 of section 93 of the said Act is amended by striking out "cubic yard or per acre" in the second line and inserting in lieu thereof "cubic metre or per hectare". s. 93 (2),  
amended

10. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

11. The short title of this Act is *The Public Transportation and Highway Improvement Amendment Act, 1979*. Short title

An Act to amend  
The Public Transportation and  
Highway Improvement Act

---

*1st Reading*

May 25th, 1979

*2nd Reading*

June 5th, 1979

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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*(Reprinted as amended by the  
Committee of the Whole House)*

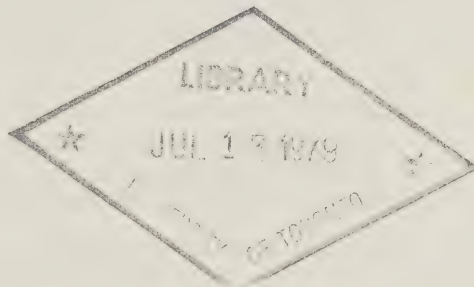
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3  
F BILL 99

36  
3RD SESSION, 31ST LEGISLATURE, <sup>F</sup>ONTARIO  
28 ELIZABETH II, 1979 <sup>F</sup>Legislative Assembly

An Act to amend  
The Public Transportation and Highway Improvement Act

THE HON. J. W. SNOW  
Minister of Transportation and Communications







BILL 99

1979

## An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 31 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 41, section 2, is further amended by,
 

s. 31 (2),  
amended

  - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the third line and inserting in lieu thereof "180 metres";
  - (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the second line and inserting in lieu thereof "180 metres";
  - (c) in clause *c*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
  - (d) in clause *d*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".
  
2. Subsection 2 of section 35 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 41, section 4, is further amended by,
 

s. 35 (2),  
amended

  - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "1300 feet" in the third line and inserting in lieu thereof "395 metres";

- (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "1,300 feet" in the second line and inserting in lieu thereof "395 metres";
- (c) in clause *c*, striking out "150 feet" in the second and third lines and inserting in lieu thereof "45 metres" and by striking out "1,300 feet" in the fourth line and inserting in lieu thereof "395 metres";
- (d) in clause *d*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres";
- (e) in clause *e*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
- (f) in clause *f*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 43 (1),  
amended

3. Subsection 1 of section 43 of the said Act is amended by striking out "registered as a civil engineer under" in the third and fourth lines and inserting in lieu thereof "as defined in".

s. 51 (1),  
amended

- 4.—(1) Subsection 1 of section 51 of the said Act is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 51 (2),  
amended

- (2) Subsection 2 of the said section 51 is amended by striking out "twenty feet" in the fourth and fifth lines and inserting in lieu thereof "six metres".

s. 51 (3),  
amended

- (3) Subsection 3 of the said section 51 is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 56 (6),  
amended

- 5.—(1) Subsection 6 of section 56 of the said Act is amended by striking out "twenty-two feet" in the first and second lines and inserting in lieu thereof "seven metres".

s. 56 (7),  
amended

- (2) Subsection 7 of the said section 56 is amended by striking out "twenty-two feet" in the second line and in the fifth line and inserting in lieu thereof in each instance "seven metres".

s. 56 (8),  
amended

- (3) Subsection 8 of the said section 56 is amended by striking out "twenty-two feet" in the first line and in the seventh line and inserting in lieu thereof in each instance "seven metres".

- (4) Subsection 10 of the said section 56 is amended by striking out "twenty-two feet" in the second line and inserting in lieu thereof "seven metres". s. 56 (10),  
amended
- (5) Subsection 11 of the said section 56 is amended by striking out "twenty-two feet" in the second line and in the sixth line and inserting in lieu thereof in each instance "seven metres". s. 56 (11),  
amended
6. Subsection 1 of section 60 of the said Act is amended by striking out "150 feet" in the second and third lines and inserting in lieu thereof "45 metres". s. 60 (1),  
amended
7. Subsection 1 of section 61 of the said Act is amended by, s. 61 (1),  
amended
  - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres"; and
  - (b) in clause *b*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".
8. Clause *b* of subsection 1 of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed and the following substituted therefor: s. 87*b* (1) (*b*),  
re-enacted
  - (b) "public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation and includes special transportation facilities for the physically disabled, but does not include transportation by special purpose facilities such as school buses or ambulances.
9. Subsection 2 of section 93 of the said Act is amended by striking out "cubic yard or per acre" in the second line and inserting in lieu thereof "cubic metre or per hectare". s. 93 (2),  
amended
10. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
11. The short title of this Act is *The Public Transportation and Highway Improvement Amendment Act, 1979*. Short title





An Act to amend  
The Public Transportation and  
Highway Improvement Act

---

*1st Reading*

May 25th, 1979

*2nd Reading*

June 5th, 1979

*3rd Reading*

June 19th, 1979

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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3  
BILL 100

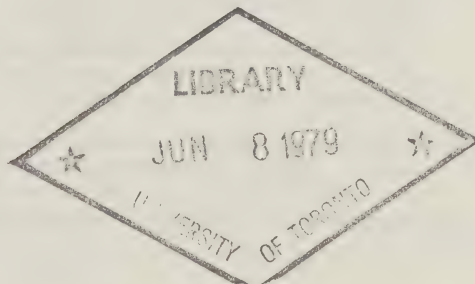
Government Bill

356  
3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

**An Act respecting  
Local Government in the District of Parry Sound**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



## EXPLANATORY NOTES

This Bill is essentially in the same form as Bill 205 introduced late in the last Session.

The changes from Bill 205 are as follows:

1. The name of the new township is changed from "North Georgian Bay" to "Georgian Bay Archipelago" (section 3).
2. The new township council will be headed by a reeve, not a mayor, and the first reeve will be elected by the first council from among themselves (section 4 (1, 2) ).
3. The Minister may by order alleviate any hardships suffered by employees of the Town of Kearney as a result of the new territories added to the Town (section 12 (7) ).
4. The Townships of Humphrey and Foley have portions of Conger township annexed to them. (Parts IV and V of the Bill).
5. The start-up date for these reorganizations is January 1, 1980 rather than December 1, 1979, to coincide with the normal municipal fiscal year.
6. The Province is to pay the costs of school board elections in the Archipelago and Kearney in November, 1980, since there are no regular municipal elections in that year as a result of the special thirty-five month term for members of council.

The Bill incorporates certain unorganized portions of the west part of the District of Parry Sound into a municipality to be called the Township of Georgian Bay Archipelago. It also incorporates a new Town of Kearney and annexes certain lands to the Town of Parry Sound, the Township of Humphrey and the Township of Foley.

PART I of the Bill deals with the Township of Georgian Bay Archipelago. Sections 1 and 2 are definition sections, and section 3 refers to the lands being brought under municipal organization.

SECTION 4 provides for a council consisting of a reeve and ten councillors. The first election is to occur in 1979, and the Province is to bear the cost of this election. The section also provides that the Minister shall establish wards, and may allow a vote on a new name for the Township.

BILL 100

1979

## An Act respecting Local Government in the District of Parry Sound

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Inter-<sup>Interpre-</sup>governmental Affairs.<sup>tation</sup>

### PART I

#### TOWNSHIP OF GEORGIAN BAY ARCHIPELAGO

2. In this Part, "Township" means the Township of Idem Georgian Bay Archipelago as constituted under section 3.

3. On the 1st day of January, 1980, the inhabitants of the geographic Township of Cowper and of those portions of the geographic townships of Conger, Shawanaga and Harrison, all of which lands are described in Schedule A hereto, are incorporated as a township municipality bearing the name "The Corporation of the Township of Georgian Bay Archipelago".<sup>Township of Georgian Bay Archipelago incorporated</sup>

4.—(1) The council of the Township shall consist of a reeve to be elected by general vote, and ten councillors.<sup>Composition of council</sup>

(2) Notwithstanding subsection 1, the first council elected shall consist of ten members, one of whom shall be selected from among themselves as reeve.<sup>First council</sup>

(3) The election of the first council shall be held in the year 1979 and, notwithstanding *The Municipal Elections Act, 1977*, the first council elected shall hold office for thirty-five months, commencing on the 1st day of January, 1980.<sup>Election of first council 1977, c. 62</sup>

(4) Notwithstanding *The Municipal Elections Act, 1977*, the Minister shall, by order, provide for the holding of the 1979 election;<sup>Minister's powers</sup>

election in the year 1979 of the members of the first council of the Township, including nominations, polling days, polling places, the appointment of returning officers, preparation of polling lists, and any other matters considered necessary in respect of the first election.

Minister  
to divide  
Township  
into wards

(5) For the purposes of the election of the first council, the Minister shall by order divide the Township into wards and provide for the number of members of council other than the reeve to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Referendum  
re name

(6) If directed by order of the Minister, a vote of the electors of the Township shall be taken at the same time as the election of the first council to determine, from among the names designated by the Minister, which name the Township shall bear, and following the vote the Minister shall by order confirm the name of the Township as set out in section 3, or declare the name that the Township shall bear, and, where a declaration is made, all references to the Township shall be deemed to refer to the name of such Township as designated in the declaration.

Expenses  
for election  
of first  
council, etc.

(7) The expenses of the Township for the election of the first council and for the elections of The West Parry Sound Board of Education in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Place of  
meetings

**5.** The meetings of the council shall be held at such place in the District of Parry Sound as the council from time to time appoints.

General  
administrative  
head

**6.—(1)** The council of the Township may, by by-law, appoint a general administrative head, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Township and perform such duties as the council by by-law describes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of council; and
- (d) shall receive such salary as the council by by-law determines.

SECTION 5 permits council meetings to be held anywhere in the District of Parry Sound, whether inside or outside the Township.

SECTION 6 provides that a person may be appointed to perform the same duties that a chief administrative officer appointed under *The Municipal Act* can perform.

SECTION 7 provides that local roads areas in the Township are dissolved and that decisions of local roads boards regarding road maintenance in the area are carried over to the new Township. The section also vests all assets and liabilities of the dissolved local roads boards in the Township, and permits the Township to agree with the Provincial Land Tax Collector as to the collection of arrears of that tax.



(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

Application of  
R.S.O. 1970,  
c. 284,  
s. 238 (2)

7.—(1) Where an established local roads area is entirely within the Township, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Township.

Dissolution  
of local  
roads area  
and board

(2) Where only part of an established local roads area is within the Township, that part of the local roads area is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal  
of part  
of local  
roads area

R.S.O. 1970,  
c. 256

(3) All taxes and penalties assessed by a local roads board against any land in the Township which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Unpaid taxes,  
collection of  
by Township

(4) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(5) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Local  
roads board  
program  
deemed  
adopted

(6) For purposes of subsection 5, the maintenance of the extension of the Pine Bay Road from Pine Bay to Woods Bay shall be deemed to be part of the road program of the South Conger Local Roads Board.

Extension  
of Pine  
Bay Road;  
maintenance  
deemed part  
of South  
Conger roads  
program



Appointment  
to fill  
vacancies

(7) Where part of a local roads area is removed from the local roads area under subsection 2, the remaining part is deemed to be a continuation of the original local roads area and the Minister of Transportation and Communications may, for the year 1980, by order, appoint persons to fill any vacancies on the board of trustees brought about as a result of this Act.

Territory  
detached from  
Parry Sound  
for purposes  
of  
1974, c. 109,  
s. 51 (2)

8.—(1) The territory without municipal organization that becomes part of the Township under section 3 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears  
deemed assets  
of Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Township to  
pay school tax  
arrears to  
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township has  
right to  
recover taxes  
under  
R.S.O. 1970,  
c. 118, Pt. III

(4) The Township has and shall be deemed always to have had the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township.

Agreements  
for services

9. The Township and any municipality, including a district municipality, may enter into agreements for providing any services within the jurisdiction of the Township.

Township  
planning  
area under  
R.S.O. 1970,  
c. 349

10. On and after the 1st day of January, 1980, the Township shall be a planning area under *The Planning Act* to be known as The Georgian Bay Archipelago Planning Area and the Township council shall be the planning board

SECTION 8 deals with education matters; it removes the Town of Parry Sound from education tax collections and gives the Township the right to collect taxes, including arrears.

SECTION 9 permits the Township and another municipality to contract for services.

SECTION 10 establishes the Township as a planning area and deems the council to be the planning board.

PART II of the Bill deals with the incorporation of the new Town of Kearney. Section 12 provides for the incorporation, as well as defining the council to be elected in 1979. The costs of the first election are to be paid by the Province. The Town is deemed to be a township for highway subsidy purposes.

thereof, and where the Township council meets in respect of matters pertaining to planning, no separate meeting of the council as a planning board is required.

## PART II

### TOWN OF KEARNEY

**11.** In this Part, "Town" means the Town of Kearney as constituted under section 12. Interpretation

**12.**—(1) On the 1st day of January, 1980, the geographic townships of Bethune and Proudfoot and those portions of the geographic townships of Butt and McCraney described in Schedule B hereto, and the Town of Kearney as it existed on the 31st day of December, 1979, are incorporated as a town municipality bearing the name "The Corporation of the Town of Kearney". New Town of Kearney incorporated

(2) On and after the 1st day of January, 1980, the council of the Town shall consist of a mayor to be elected by general vote and six councillors. Composition of council

(3) Notwithstanding *The Municipal Elections Act, 1977*, the election of the first council shall be held in the year 1979 and for the purposes of that election the Minister shall, by order, divide the Town into wards and provide for the number of members of council, other than the mayor, to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board. Election of first council 1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, on the 31st day of December, 1979, the existing council is dissolved, and the first council elected shall hold office for thirty-five months, commencing on the 1st day of January, 1980. Existing council dissolved; term of office of first council

(5) The expenses of the Town for the election of the first council and for the election of The East Parry Sound Board of Education, in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses for election of first council, etc.

(6) For the purposes of *The Public Transportation and Highway Improvement Act*, the Town shall be deemed to be a township municipality. Town deemed township for purposes of R.S.O. 1970, c. 201

Alleviation  
of hardship

(7) Where any employee of the Town of Kearney employed on the 28th day of May, 1979 experiences any difficulty or hardship with regard to his employment as a result of the incorporation under this section, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Dissolution  
of local  
roads area  
and board

**13.**—(1) Where an established local roads area is entirely within the Town, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Town.

Unpaid taxes,  
collection of  
by Town

(2) All taxes and penalties assessed by a local roads board against any land in the Town which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon such land to the Town, and the collector of the Town shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Town, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Town.

Agreement  
respecting  
collection  
of land tax  
R.S.O. 1970,  
c. 370

(3) The Town and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Town of arrears of land tax in respect of property within the Town.

Local roads  
program  
deemed  
adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Town under this section, shall be deemed to be adopted by by-law of the council of the Town on the 1st day of January, 1980.

Territory  
annexed to  
Town ceases  
to be deemed  
to be district  
municipality  
1977, c. 109

**14.**—(1) The territory without municipal organization that becomes part of the Town under section 12 of this Act and that was deemed to be a district municipality or part of a district municipality in respect of The East Parry Sound Board of Education under subsection 3 of section 50 of *The Education Act, 1974*, ceases to be so deemed on the 1st day of January, 1980.

School tax  
arrears  
deemed assets  
of Town

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the Town and that are owing and uncollected as of the 1st day of January, 1980, shall be deemed to have become assets of the Town on the 1st day of January, 1980.

SECTION 13 sets out the same provisions for local roads areas and collection of taxes as apply in the Township of Georgian Bay Archipelago.

SECTION 14 contains provisions regarding education matters similar to those for the Township of Georgian Bay Archipelago.

PART III deals with the annexation of portions of the townships of McDougall and Foley to the Town of Parry Sound. Section 16 permits the Minister to alleviate any hardships suffered by McDougall employees as a result of this annexation.

PARTS IV AND V deal respectively with the annexation of portions of the Township of Conger to the Township of Humphrey and to the Township of Foley. Similar provisions are included with respect to local roads areas and the collection of taxes as are found in Part I dealing with the Township of Georgian Bay Archipelago.



(3) The Town shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The East Parry Sound Board of Education.

Town to pay school tax arrears to East Parry Sound Board of Education

(4) The Town has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Town has right to collect taxes under R.S.O. 1970, c. 118, Pt. III

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Town on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Town.

Saving

### PART III

#### TOWN OF PARRY SOUND

**15.** On the 1st day of January, 1980, the portions of the Township of McDougall and the Township of Foley described in Schedule C hereto are annexed to the Town of Parry Sound.

Part of McDougall Township and Foley Township annexed to Parry Sound

**16.** Where any employee of the Township of McDougall experiences any difficulty or hardship with regard to his employment as a result of the annexation under section 15, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Alleviation of hardship

### PART IV

#### TOWNSHIP OF HUMPHREY

**17.** On the 1st day of January, 1980 the portions of the geographic Township of Conger described in Schedule D hereto are annexed to the Township of Humphrey.

Part of Conger annexed to Humphrey

**18.—(1)** Where part of an established local roads area is within the Township, that part of the local roads area is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal of part of local roads area

R.S.O. 1970, c. 256

Unpaid taxes,  
collection of  
by township

(2) All taxes and penalties assessed by a local roads board against any land in the Township, which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(3) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Local roads  
board program  
deemed  
adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Detachment  
of part of  
Conger from  
Parry Sound

1974, c. 109

**19.**—(1) That part of the geographic Township of Conger that becomes part of the Township under section 17 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears deemed  
assets of  
Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to land located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Arrears to be  
paid to  
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township  
has right to  
collect taxes  
under  
R.S.O. 1970,  
c. 118, Part III

(4) The Township has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures

under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township.

## PART V

### TOWNSHIP OF FOLEY

**20.** On the 1st day of January, 1980 the portions of the geographic Township of Conger described in Schedule E hereto are annexed to the Township of Foley.

Part of Conger  
annexed to  
Foley

**21.**—(1) Where part of an established local roads area is within the Township, that part of the local roads area is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal of  
part of  
local roads  
area

R.S.O. 1970,  
c. 256

(2) All taxes and penalties assessed by a local roads board against any land in the Township, which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Unpaid taxes,  
collection of  
by Township

(3) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Local roads  
program  
deemed  
adopted

**22.**—(1) That part of the geographic Township of Conger that becomes part of the Township under section 20 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education*

Detachment of  
part of Conger  
from Parry  
Sound

1974, c. 109

*Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears deemed  
assets of  
Township (2) The arrears of taxes for school purposes and accumulated interest thereon that relate to land located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Arrears to  
be paid to  
Parry Sound (3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township  
has right  
to collect  
taxes under  
R.S.O. 1970,  
c. 118, Part III (4) The Township has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving (5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township.

## PART VI

### GENERAL

Incorporations  
and  
annexations  
deemed by  
Municipal  
Board orders  
R.S.O. 1970,  
cc. 323, 284 **23.** The incorporations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, made on the day the incorporations or annexations take effect under this Act, pursuant to applications made under sections 10 and 14 of *The Municipal Act*, and subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such incorporation and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Conditional  
powers **24.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the content and purpose of this Act.



PART VI sets out general provisions allowing questions arising out of these municipal reorganizations to be determined by the Ontario Municipal Board, permitting the Lieutenant Governor in Council to make general remedial orders, and ensuring that the boards of education elected in 1978 in these areas are not affected by the Act.



**25.** Notwithstanding subsections 12, 25 and 31 of section 57 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of January, 1980 and ending on the 30th day of November, 1980, affect the representation on The West Parry Sound Board of Education or The East Parry Sound Board of Education of any municipality or territory without municipal organization as it exists on the day this Act comes into force.

Representation on boards of education not affected 1974, c. 109

**26.** This Act comes into force on the day it receives Royal Assent.

Commencement

**27.** The short title of this Act is *The District of Parry Sound Local Government Act, 1979*.

Short title

## SCHEDULE A

FIRSTLY, part of the geographic township of Conger, commencing at the intersection of the northerly boundary of the Township of Conger and the centre line of the road allowance between lots 35 and 36 of the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions VI and VII in the Township of Conger;

THENCE easterly along the centre line of the said road allowance between concessions VI and VII to the northerly prolongation of the easterly limit of Lot 10 in the said Concession VI;

THENCE southerly to and along the easterly limit of Lot 10 in concessions VI, V and IV in the Township of Conger to the northerly limit of Concession III of the Township of Conger;

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE southerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly limit of the Township of Conger;

THENCE South 69° 08' 20" West along the southerly boundary of the Township of Conger to the easterly high water mark of Twelve Mile Bay of Georgian Bay;

THENCE South 69° 08' 20" West along the westerly prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970 to the middle of Twelve Mile Bay of Georgian Bay;



THENCE westerly in a straight line to a point midway between Martin Island and Passage Island;

THENCE southwesterly in a straight line 11.75 miles to a point measured South  $20^{\circ} 51' 40''$  East one mile from the southerly point of Thumb Rock of the Western Islands, the said point being on the westerly prolongation of the southerly boundary of the Township of Conger;

THENCE South  $69^{\circ} 08' 20''$  West along the prolongation of the said southerly boundary 11 miles to the middle of Georgian Bay;

THENCE North  $36^{\circ}$  West along the middle of Georgian Bay 5.4 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.2 miles to a point distant 1,500 feet measured South  $69^{\circ} 08' 20''$  West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed Islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point distant 200 feet measured Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the northerly boundary of the Township of Conger;

THENCE easterly and northeasterly following the middle of the said Bay to the northerly boundary of the Township of Conger;

THENCE easterly along the northerly boundary of the Township of Conger to the point of commencement;

SECONDLY, the geographic township of Cowper, commencing at the southeasterly angle of the Township of Cowper;

THENCE northerly along the easterly boundary of the Township of Cowper to the southerly high water mark of South Channel;

THENCE northerly along the northerly prolongation in accordance with subsection 2b of section 11 of *The Territorial Division Act*, to the southerly high water mark of Isabella Island;

THENCE easterly, northerly and westerly following the high water mark of Isabella Island to the said northerly prolongation of the easterly boundary of the Township of Cowper;

THENCE northerly along the northerly prolongation of the easterly boundary of the Township of Cowper to the boundary between the geographic townships of Cowper and McDougall;

THENCE westerly along the northerly boundary of the geographic township of Cowper in accordance with the said section 11 of *The Territorial Division Act* to the easterly high water mark of Georgian Bay on the westerly shore of Parry Island;

THENCE westerly following the southerly boundaries of the Township of Carling to the southwesterly angle of the Township of Carling in the middle of Georgian Bay;

THENCE South  $36^{\circ}$  East along the middle of Georgian Bay 10.3 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.2 miles to a point distant 1,500 feet measured South  $69^{\circ} 08' 20''$  West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point measured 200 feet Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly and northeasterly following the middle of the Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly along the southerly boundary of the Township of Cowper to the point of commencement;

THIRDLY, part of the geographic township of Harrison, commencing at the intersection of the easterly high water mark of Georgian Bay and the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to the westerly limit of the Naiscoutaing Indian Reserve Number 17A;

THENCE easterly following the southerly limits of the said Indian Reserve to the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to a point distant 8,052 feet measured North  $69^{\circ} 08' 20''$  East therealong from the easterly limit of Lot 31 in Concession XIV of the Township of Harrison;

THENCE South  $20^{\circ} 51' 40''$  East 13,332 feet to a point;

THENCE North  $69^{\circ} 08' 20''$  East 32,000 feet to the easterly boundary of the Township of Harrison;

THENCE southerly along the easterly boundary of the Township of Harrison to its southeasterly angle;

THENCE westerly along the southerly boundary of the Township of Harrison to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE westerly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to northwesterly point of the said Island;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark of Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South  $69^{\circ} 08' 20''$  West 26.5 miles to the middle of Georgian Bay;

THENCE North  $36^{\circ}$  West along the middle of Georgian Bay 5.5 miles to the easterly boundary of the Territorial District of Manitoulin in accordance with paragraph 47 of section 1 of *The Territorial Division Act*;

THENCE Due North along the said easterly boundary 3.8 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.5 miles to a point midway between the Brother Islands and the Sister Islands;

THENCE easterly to the northerly point of Jarrad Island;

THENCE easterly following the middle of Charles Inlet being to and along the middle of the Middle Channel of the Naiscoot River to the headwaters of the South Channel of the Naiscoot River;

THENCE southerly along the middle of the South Channel of the Naiscoot River to the westerly prolongation of the northerly boundary of the Township of Harrison;

THENCE easterly along the prolongation of the Township of Harrison to the point of commencement;

FOURTHLY, part of the geographic township of Shawanaga, commencing at the intersection of the easterly high water mark of Georgian Bay and the southerly boundary of the Township of Shawanaga;

THENCE easterly along the southerly boundary of the Township of Shawanaga to a point distant 6,666 feet measured South  $69^{\circ} 08' 20''$  West therealong from the southwesterly angle of Lot 20 in Concession I in the Township of Shawanaga;

THENCE North  $20^{\circ} 51' 40''$  West to the southerly limit of the Shawanaga Indian Reserve Number 17;

THENCE westerly and northerly following the westerly limits of the Indian Reserve to the northerly limit of the said Indian Reserve;

THENCE easterly following the said northerly limit to the easterly limit of the said Indian Reserve;

THENCE southerly along the easterly limit of the said Indian Reserve to the northeasterly limit of the King's Highway Number 69;

THENCE North  $69^{\circ} 08' 20''$  East 3 miles to the easterly boundary of the Township of Shawanaga;

THENCE northerly along the easterly boundary of the Township of Shawanaga to its northeasterly angle;

THENCE westerly along the northerly boundary of the Township of Shawanaga to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE southwesterly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to its northwesterly point;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark to the northwesterly Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South  $69^{\circ} 08' 20''$  West 26.5 miles to the middle of Georgian Bay;

THENCE South  $36^{\circ}$  East along the middle of Georgian Bay 6.8 miles to the westerly angle of the Township of Carling;

THENCE easterly along the northerly boundary of the Township of Carling to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Naiscoutaing Indian Reserve Number 17B and the Parry Island Indian Reserve Number 16.

## SCHEDULE B

FIRSTLY, part of the geographic township of Butt, commencing at the southwesterly angle of the Township of Butt;

THENCE easterly along the southerly boundary of the Township of Butt to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly along the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of Butt;



THENCE westerly along the northerly boundary of the Township of Butt to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of Butt to the point of commencement;

SECONDLY, part of the geographic township of McCraney, commencing at the southwesterly angle of the Township of McCraney;

THENCE easterly along the southerly boundary of the Township of McCraney to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly following the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of McCraney;

THENCE westerly along the northerly boundary of the Township of McCraney to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of McCraney to the point of commencement.

### SCHEDULE C

FIRSTLY, part of the Township of McDougall, commencing at the intersection of the northerly boundary of the Town of Parry Sound and the high water mark of the easterly shore of Parry Sound;

THENCE easterly following the boundaries between the Town of Parry Sound and the Township of McDougall to the northeasterly angle of the said Town;

THENCE southerly following along the boundaries between the Town of Parry Sound and the Township of McDougall to the southerly boundary of the said Township;

THENCE easterly along the said Township boundary to the southerly prolongation of the easterly limit of Lot 25 in Concession I of the said Township of McDougall;

THENCE northerly to and along the easterly limit of Lot 25 in concessions I and II and the northerly prolongation thereof to a parallel line distant 200 feet measured southerly at right angles from the northerly high water mark of Mill Lake.

THENCE easterly and northerly parallel with the high water mark of Mill Lake to the easterly prolongation of southerly limit of Lot 24 in Concession IV of the Township of McDougall;

THENCE westerly to and along the southerly limit of lots 24 and 25 in Concession IV to the easterly limit of the road allowance between lots 25 and 26;

THENCE northerly along the said easterly limit to the northerly limit of the road allowance between concessions IV and V of the Township of McDougall;

THENCE westerly along the said northerly limit of road allowance to the easterly limit of the right-of-way of the Canadian Pacific Railways;

THENCE southerly along the easterly limit of the said right-of-way to the northerly limit of Lot 17 in Concession A of the Township of McDougall;

THENCE westerly along the northerly limit of the said Lot 17 to north-westerly angle of the said Lot;

THENCE westerly along the westerly prolongation of the northerly limit of the said Lot to the northerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE southerly to and along the easterly limit of the said Indian Reserve to the southerly boundary of the Township of McDougall;

THENCE easterly along the southerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE northerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

SECONDLY, part of the Township of Foley, commencing at the southwesterly angle of the Town of Parry Sound;

THENCE westerly along the prolongation of the southerly boundary of the said Town to the southerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE northerly to and along the easterly limit of the said Indian Reserve to the northerly boundary of the Township of Foley;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE southerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

## SCHEDULE D

FIRSTLY, part of the geographic township of Conger, commencing at the northeasterly angle of the Township of Conger;

THENCE westerly along the northerly boundary of the Township of Conger to the easterly limit of Lot 10 in Concession XII of the said Township;

THENCE southerly along the easterly limit of Lot 10 in concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger;

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the point of commencement;



SECONDLY, part of the geographic township of Conger, commencing at the southeasterly angle of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly boundary of the Township of Conger;

THENCE easterly along the southerly boundary of the Township of Conger to the point of commencement.

## SCHEDULE E

FIRSTLY, part of the Township of Conger, commencing at the intersection of the northerly boundary of the Township of Conger and the centre line of the road allowance between lots 35 and 36 in the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions VI and VII in the Township of Conger;

THENCE easterly along the centre line of the said road allowance between concessions VI and VII to the southerly prolongation of the easterly limit of Lot 10 in the said Concession VII;

THENCE northerly to and along the easterly limit of Lot 10 in concessions VII to XII in the Township of Conger to the northerly boundary of the Township;

THENCE westerly along the northerly boundary of the Township of Conger to the point of commencement.





An Act respecting  
Local Government in the District of  
Parry Sound

---

*1st Reading*

May 28th, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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356

3  
BILL 100

Government  
Publications

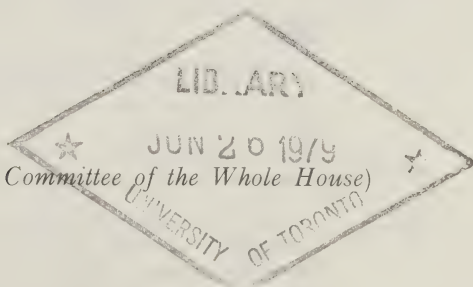
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act respecting  
Local Government in the District of Parry Sound**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

*(Reprinted as amended by the Committee of the Whole House)*



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

This Bill is essentially in the same form as Bill 205 introduced late in the last Session.

The changes from Bill 205 are as follows:

1. Two new Townships are created bearing the names "Georgian Bay North Archipelago" and "Georgian Bay South Archipelago" (ss. 3, 4).
2. The new township councils will be headed by a reeve, not a mayor. (s. 5 (1)).
3. The Minister may by order alleviate any hardships suffered by employees of the Town of Kearney as a result of the new territories added to the Town (section 13 (7)).
4. The Township of Humphrey has portions of Conger township annexed to it. (Part IV of the Bill).
5. The start-up date for these reorganizations is January 1, 1980 rather than December 1, 1979, to coincide with the normal municipal fiscal year.
6. The Province is to pay the costs of school board elections in the Archipelago and Kearney in November, 1980, since there are no regular municipal elections in that year as a result of the special thirty-five month term for members of council.

The Bill incorporates certain unorganized portions of the west part of the District of Parry Sound into two municipalities to be called the Township of Georgian Bay North Archipelago and the Township of Georgian Bay South Archipelago. It also incorporates a new Town of Kearney and annexes certain lands to the Town of Parry Sound, the Township of Humphrey and the Township of Foley.

PART I of the Bill deals with the Township of Georgian Bay North Archipelago and the Township of Georgian Bay South Archipelago. Sections 1 and 2 are definition sections, and sections 3 and 4 refer to the lands being brought under municipal organization.

SECTION 5 provides for a council consisting of a reeve and four councillors. The first elections are to occur in 1979, and the Province is to bear the cost of these elections. The section also provides that the Minister shall establish wards, and may allow a vote on a new name for each Township.

BILL 100

1979

## An Act respecting Local Government in the District of Parry Sound

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, “Minister” means the Minister of Inter-governmental Affairs. Interpre-  
tation

### PART I

#### TOWNSHIPS OF GEORGIAN BAY NORTH ARCHIPELAGO AND GEORGIAN BAY SOUTH ARCHIPELAGO

**2.** In this Part, “Township” means the Township of Idem  
Georgian Bay North Archipelago as constituted under section 3 or the Township of Georgian Bay South Archipelago as constituted under section 4.

**3.** On the 1st day of January, 1980, the inhabitants of those portions of the geographic townships of Shawanaga and Harrison, all of which lands are described in Schedule A hereto, are incorporated as a township municipality bearing the name “The Corporation of the Township of Georgian Bay North Archipelago”. Township of  
Georgian Bay  
North  
Archipelago  
incorporated

**4.** On the 1st day of January, 1980, the inhabitants of the geographic Township of Cowper and of that portion of the geographic Township of Conger all of which lands are described in Schedule B hereto are incorporated as a township municipality bearing the name of “The Corporation of the Township of Georgian Bay South Archipelago”. Township of  
Georgian Bay  
South  
Archipelago  
incorporated

**5.—(1)** The council of a Township shall consist of a reeve to be elected by general vote and four councillors. Composition  
of council

**(2)** The election of the first council shall be held in the year 1979 and, notwithstanding *The Municipal Elections Act*, Election  
of first  
council  
1977, c. 62



1977, the first council elected shall hold office for thirty-five months, commencing on the 1st day of January, 1980.

1979 election;  
Minister's  
powers

(3) Notwithstanding *The Municipal Elections Act, 1977*, the Minister shall, by order, provide for the holding of the election in the year 1979 of the members of the first council of a Township, including nominations, polling days, polling places, the appointment of returning officers, preparation of polling lists, and any other matters considered necessary in respect of the first election.

Minister  
to divide  
Township  
into wards

(4) For the purposes of the election of the first council, the Minister shall by order divide a Township into wards and provide for the number of members of council other than the reeve to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Referendum  
re name

(5) If directed by order of the Minister, a vote of the electors of a Township shall be taken at the same time as the election of the first council to determine, from among the names designated by the Minister, which name the Township shall bear, and following the vote the Minister shall by order confirm the name of the Township as set out in section 3 or 4, as the case may be, or declare the name that the Township shall bear, and, where a declaration is made, all references to the Township shall be deemed to refer to the name of such Township as designated in the declaration.

Expenses  
for election  
of first  
council, etc.

(6) The expenses of a Township for the election of the first council and for the elections of The West Parry Sound Board of Education in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Place of  
meetings

**6.** The meetings of a council shall be held at such place in the District of Parry Sound as the council from time to time appoints.

General  
administrative  
head

**7.—(1)** The council of a Township may, by by-law, appoint a general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the Township and perform such duties as the council by by-law describes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

SECTION 6 permits council meetings to be held anywhere in the District of Parry Sound, whether inside or outside a Township.

SECTION 7 provides that a person may be appointed to perform the same duties that a chief administrative officer appointed under *The Municipal Act* can perform.

SECTION 8 provides that local roads areas in a Township are dissolved and that decisions of local roads boards regarding road maintenance in the area are carried over to the new Township. The section also vests all assets and liabilities of the dissolved local roads boards in the Township, and permits the Township to agree with the Provincial Land Tax Collector as to the collection of arrears of that tax.

(c) shall hold office during the pleasure of council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

Application of  
R.S.O. 1970,  
c. 284,  
s. 238 (2)

8.—(1) Where an established local roads area is entirely within a Township, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Township.

Dissolution  
of local  
roads area  
and board

(2) Where only part of an established local roads area is within a Township, that part of the local roads area is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal  
of part  
of local  
roads area

R.S.O. 1970,  
c. 256

(3) All taxes and penalties assessed by a local roads board against any land in a Township which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Unpaid taxes,  
collection of  
by Township

(4) A Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(5) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of a Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Local  
roads board  
program  
deemed  
adopted

Extension  
of Pine  
Bay Road;  
maintenance  
deemed part  
of South  
Conger roads  
program

(6) For purposes of subsection 5, the maintenance of the extension of the Pine Bay Road from Pine Bay to Woods Bay shall be deemed to be part of the road program of the South Conger Local Roads Board.

Appointment  
to fill  
vacancies

(7) Where part of a local roads area is removed from the local roads area under subsection 2, the remaining part is deemed to be a continuation of the original local roads area and the Minister of Transportation and Communications may, for the year 1980, by order, appoint persons to fill any vacancies on the board of trustees brought about as a result of this Act.

Territory  
detached from  
Parry Sound  
for purposes  
of  
1974, c. 109,  
s. 51 (2)

**9.—**(1) The territory without municipal organization that becomes part of a Township under section 3 or 4 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act*, 1974 ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears  
deemed assets  
of Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in a Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Township to  
pay school tax  
arrears to  
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township has  
right to  
recover taxes  
under  
R.S.O. 1970,  
c. 118, Pt. III

(4) A Township has and shall be deemed always to have had the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in a Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township.

Agreements  
for services

**10.** A Township and any municipality, including a district municipality, may enter into agreements for providing any services within the jurisdiction of the Township.



SECTION 9 deals with education matters; it removes the Town of Parry Sound from education tax collections and gives the Townships the right to collect taxes, including arrears.

SECTION 10 permits a Township and another municipality to contract for services.

SECTION 11 establishes the Townships as planning areas and deems the council to be the planning board.

PART II of the Bill deals with the incorporation of the new Town of Kearney. Section 13 provides for the incorporation, as well as defining the council to be elected in 1979. The costs of the first election are to be paid by the Province. The Town is deemed to be a township for highway subsidy purposes.



 11. On and after the 1st day of January, 1980, a Township shall be a planning area under *The Planning Act* to be known as The Georgian Bay North Archipelago Planning Area and The Georgian Bay South Archipelago Planning Area respectively and the Township council shall be the planning board thereof, and where the Township council meets in respect of matters pertaining to planning, no separate meeting of the council as a planning board is required. 

Townships  
planning  
areas under  
R.S.O. 1970,  
c. 349

## PART II

### TOWN OF KEARNEY

12. In this Part, "Town" means the Town of Kearney as constituted under section 13. Interpre-  
tation

13.—(1) On the 1st day of January, 1980, the geographic townships of Bethune and Proudfoot and those portions of the geographic townships of Butt and McCraney described in Schedule C hereto, and the Town of Kearney as it existed on the 31st day of December, 1979, are incorporated as a town municipality bearing the name "The Corporation of the Town of Kearney". New Town  
of Kearney  
incorporated

(2) On and after the 1st day of January, 1980, the council of the Town shall consist of a mayor to be elected by general vote and six councillors. Composition  
of council

(3) Notwithstanding *The Municipal Elections Act, 1977*, the election of the first council shall be held in the year 1979 and for the purposes of that election the Minister shall, by order, divide the Town into wards and provide for the number of members of council, other than the mayor, to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board. Election of  
first council  
1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, on the 31st day of December, 1979, the existing council is dissolved, and the first council elected shall hold office for thirty-five months, commencing on the 1st day of January, 1980. Existing  
council  
dissolved;  
term of  
office of  
first council

(5) The expenses of the Town for the election of the first council and for the election of The East Parry Sound Board of Education, in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses for  
election of  
first council,  
etc.

Town deemed township for purposes of R.S.O. 1970, c. 201

(6) For the purposes of *The Public Transportation and Highway Improvement Act*, the Town shall be deemed to be a township municipality.

Alleviation of hardship

(7) Where any employee of the Town of Kearney employed on the 28th day of May, 1979 experiences any difficulty or hardship with regard to his employment as a result of the incorporation under this section, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Dissolution of local roads area and board

**14.**—(1) Where an established local roads area is entirely within the Town, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Town.

Unpaid taxes, collection of by Town

(2) All taxes and penalties assessed by a local roads board against any land in the Town which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon such land to the Town, and the collector of the Town shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Town, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Town.

Agreement respecting collection of land tax R.S.O. 1970, c. 370

(3) The Town and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Town of arrears of land tax in respect of property within the Town.

Local roads program deemed adopted



(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Town under this section, shall be deemed to be adopted by by-law of the council of the Town on the 1st day of January, 1980.



Territory annexed to Town ceases to be deemed to be district municipality 1977, c. 109

**15.**—(1) The territory without municipal organization that becomes part of the Town under section 13 of this Act and that was deemed to be a district municipality or part of a district municipality in respect of The East Parry Sound Board of Education under subsection 3 of section 50 of *The Education Act, 1974*, ceases to be so deemed on the 1st day of January, 1980.



School tax arrears deemed assets of Town

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the

 SECTION 14 sets out the same provisions for local roads areas and collection of taxes as apply in the Township of Georgian Bay North Archipelago and the Township of Georgian Bay South Archipelago. 

 SECTION 15 contains provisions regarding education matters similar to those for the Township of Georgian Bay North Archipelago and the Township of Georgian Bay South Archipelago. 

PART III deals with the annexation of portions of the townships of McDougall and Foley to the Town of Parry Sound. Section 17 permits the Minister to alleviate any hardships suffered by McDougall employees as a result of this annexation.

 PART IV deals with the annexation of portions of the Township of Conger to the Township of Humphrey. Similar provisions are included with respect to local roads areas and the collection of taxes as are found in Part I dealing with the Township of Georgian Bay North Archipelago and the Township of Georgian Bay South Archipelago. 

Town and that are owing and uncollected as of the 1st day of January, 1980, shall be deemed to have become assets of the Town on the 1st day of January, 1980.

(3) The Town shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The East Parry Sound Board of Education.

Town to pay school tax arrears to East Parry Sound Board of Education

(4) The Town has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Town has right to collect taxes under R.S.O. 1970, c. 118, Pt. III

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Town on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Town.

Saving

### PART III

#### TOWN OF PARRY SOUND

**16.** On the 1st day of January, 1980, the portions of the Township of McDougall and the Township of Foley described in Schedule D hereto are annexed to the Town of Parry Sound.

Part of McDougall Township and Foley Township annexed to Parry Sound

**17.** Where any employee of the Township of McDougall experiences any difficulty or hardship with regard to his employment as a result of the annexation under section 16, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Alleviation of hardship

### PART IV

#### TOWNSHIP OF HUMPHREY

**18.** On the 1st day of January, 1980, the portions of the geographic Township of Conger described in Schedule E hereto are annexed to the Township of Humphrey.

Part of Conger annexed to Humphrey

**19.—(1)** Where part of an established local roads area is within the Township, that part of the local roads area

Removal of part of local roads area



is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

R.S.O. 1970,  
c. 256

Unpaid taxes,  
collection of  
by township

(2) All taxes and penalties assessed by a local roads board against any land in the Township, which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(3) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Local roads  
board program  
deemed  
adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Detachment  
of part of  
Conger from  
Parry Sound

1974, c. 109

**20.**—(1) That part of the geographic Township of Conger that becomes part of the Township under section 18 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears deemed  
assets of  
Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to land located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Arrears to be  
paid to  
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township  
has right to  
collect taxes  
under  
R.S.O. 1970,  
c. 118, Part III

(4) The Township has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest





PART V sets out general provisions allowing questions arising out of these municipal reorganizations to be determined by the Ontario Municipal Board, permitting the Lieutenant Governor in Council to make general remedial orders, and ensuring that the boards of education elected in 1978 in these areas are not affected by the Act.

owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township. Saving

## PART V

### GENERAL

**21.** The incorporations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, made on the day the incorporations or annexations take effect under this Act, pursuant to applications made under sections 10 and 14 of *The Municipal Act*, and subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such incorporation and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers. Incorporations and annexations deemed by Municipal Board orders R.S.O. 1970, cc. 323, 284

**22.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the content and purpose of this Act. Conditional powers


**23.** Notwithstanding subsections 12, 25 and 31 of section 57 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of January, 1980 and ending on the 30th day of November, 1980, affect the representation on The West Parry Sound Board of Education or The East Parry Sound Board of Education of any municipality or territory without municipal organization as it exists on the day this Act comes into force. Representation on boards of education not affected 1974, c. 109

**24.** This Act comes into force on the day it receives Royal Assent. Commencement

Short title

**25.** The short title of this Act is *The District of Parry Sound Local Government Act, 1979*.

## SCHEDULE A

 FIRSTLY, part of the geographic township of Harrison, commencing at the intersection of the easterly high water mark of Georgian Bay and the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to the westerly limit of the Naiscoutaing Indian Reserve Number 17A;

THENCE easterly following the southerly limits of the said Indian Reserve to the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to a point distant 8,052 feet measured North  $69^{\circ} 08' 20''$  East therealong from the easterly limit of Lot 31 in Concession XIV of the Township of Harrison;

THENCE South  $20^{\circ} 51' 40''$  East 13,332 feet to a point;

THENCE North  $69^{\circ} 08' 20''$  East 32,000 feet to the easterly boundary of the Township of Harrison;

THENCE southerly along the easterly boundary of the Township of Harrison to its southeasterly angle;

THENCE westerly along the southerly boundary of the Township of Harrison to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE westerly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to northwesterly point of the said Island;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark of Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South  $69^{\circ} 08' 20''$  West 26.5 miles to the middle of Georgian Bay;

THENCE North  $36^{\circ}$  West along the middle of Georgian Bay 5.5 miles to the easterly boundary of the Territorial District of Manitoulin in accordance with paragraph 47 of section 1 of *The Territorial Division Act*;

THENCE Due North along the said easterly boundary 3.8 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.5 miles to a point midway between the Brother Islands and the Sister Islands;

THENCE easterly to the northerly point of Jarrad Island;

THENCE easterly following the middle of Charles Inlet being to and along the middle of the Middle Channel of the Naiscoot River to the headwaters of the South Channel of the Naiscoot River;

THENCE southerly along the middle of the South Channel of the Naiscoot River to the westerly prolongation of the northerly boundary of the Township of Harrison;

THENCE easterly along the prolongation of the Township of Harrison to the point of commencement;

SECONDLY, part of the geographic township of Shawanaga, commencing at the intersection of the easterly high water mark of Georgian Bay and the southerly boundary of the Township of Shawanaga;

THENCE easterly along the southerly boundary of the Township of Shawanaga to a point distant 6,666 feet measured South  $69^{\circ} 08' 20''$  West therealong from the southwesterly angle of Lot 20 in Concession I in the Township of Shawanaga;

THENCE North  $20^{\circ} 51' 40''$  West to the southerly limit of the Shawanaga Indian Reserve Number 17;

THENCE westerly and northerly following the westerly limits of the Indian Reserve to the northerly limit of the said Indian Reserve;

THENCE easterly following the said northerly limit to the easterly limit of the said Indian Reserve;

THENCE southerly along the easterly limit of the said Indian Reserve to the northeasterly limit of the King's Highway Number 69;

THENCE North  $69^{\circ} 08' 20''$  East 3 miles to the easterly boundary of the Township of Shawanaga;

THENCE northerly along the easterly boundary of the Township of Shawanaga to its northeasterly angle;

THENCE westerly along the northerly boundary of the Township of Shawanaga to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE southwesterly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to its northwesterly point;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark to the northwesterly Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South  $69^{\circ} 08' 20''$  West 26.5 miles to the middle of Georgian Bay;

THENCE South  $36^{\circ}$  East along the middle of Georgian Bay 6.8 miles to the westerly angle of the Township of Carling;

THENCE easterly along the northerly boundary of the Township of Carling to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Naiscoutaing Indian Reserve Number 17B.

## SCHEDULE B

FIRSTLY, part of the geographic township of Conger, commencing at the intersection of the northly boundary of the Township of Conger and the easterly limit of Lot 10 in Concession XII of the Township of Conger;

THENCE southerly along the easterly limit of Lot 10 in Concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger.

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;



THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE southerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly limit of the Township of Conger;

THENCE South  $69^{\circ} 08' 20''$  West along the southerly boundary of the Township of Conger to the easterly high water mark of Twelve Mile Bay of Georgian Bay;

THENCE South  $69^{\circ} 08' 20''$  West along the westerly prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970 to the middle of Twelve Mile Bay of Georgian Bay;

THENCE westerly in a straight line to a point midway between Martin Island and Passage Island;

THENCE southwesterly in a straight line 11.75 miles to a point measured South  $20^{\circ} 51' 40''$  East one mile from the southerly point of Thumb Rock of the Western Islands, the said point being on the westerly prolongation of the southerly boundary of the Township of Conger;

THENCE South  $69^{\circ} 08' 20''$  West along the prolongation of the said southerly boundary 11 miles to the middle of Georgian Bay;

THENCE North  $36^{\circ}$  West along the middle of Georgian Bay 5.4 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.2 miles to a point distant 1,500 feet measured South  $69^{\circ} 08' 20''$  West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed Islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point distant 200 feet measured Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the northerly boundary of the Township of Conger;

THENCE easterly and northeasterly following the middle of the said Bay to the northerly boundary of the Township of Conger;

THENCE easterly along the northerly boundary of the Township of Conger to the point of commencement;

SECONDLY, the geographic township of Cowper, commencing at the southeasterly angle of the Township of Cowper;

THENCE northerly along the easterly boundary of the Township of Cowper to the southerly high water mark of South Channel;

THENCE northerly along the northerly prolongation in accordance with subsection 2b of section 11 of *The Territorial Division Act*, to the southerly high water mark of Isabella Island;

THENCE easterly, northerly and westerly following the high water mark of Isabella Island to the said northerly prolongation of the easterly boundary of the Township of Cowper;

THENCE northerly along the northerly prolongation of the easterly boundary of the Township of Cowper to the boundary between the geographic townships of Cowper and McDougall;

THENCE westerly along the northerly boundary of the geographic township of Cowper in accordance with the said section 11 of *The Territorial Division Act* to the easterly high water mark of Georgian Bay on the westerly shore of Parry Island;

THENCE westerly following the southerly boundaries of the Township of Carling to the southwesterly angle of the Township of Carling in the middle of Georgian Bay;

THENCE South 36° East along the middle of Georgian Bay 10.3 miles to a point;

THENCE North 69° 08' 20" East 25.2 miles to a point distant 1,500 feet measured South 69° 08' 20" West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed islands lying north of Anker Pint Islet;



THENCE easterly 1,000 feet to a point measured 200 feet Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;


THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly and northeasterly following the middle of the Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly along the southerly boundary of the Township of Cowper to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Parry Island Indian Reserve Number 16. 

## SCHEDULE C

FIRSTLY, part of the geographic township of Butt, commencing at the southwesterly angle of the Township of Butt;

THENCE easterly along the southerly boundary of the Township of Butt to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly along the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of Butt;

THENCE westerly along the northerly boundary of the Township of Butt to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of Butt to the point of commencement;

SECONDLY, part of the geographic township of McCraney, commencing at the southwesterly angle of the Township of McCraney;

THENCE easterly along the southerly boundary of the Township of McCraney to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly following the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of McCraney;

THENCE westerly along the northerly boundary of the Township of McCraney to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of McCraney to the point of commencement.

## SCHEDULE D

FIRSTLY, part of the Township of McDougall, commencing at the intersection of the northerly boundary of the Town of Parry Sound and the high water mark of the easterly shore of Parry Sound;

THENCE easterly following the boundaries between the Town of Parry Sound and the Township of McDougall to the northeasterly angle of the said Town;

THENCE southerly following along the boundaries between the Town of Parry Sound and the Township of McDougall to the southerly boundary of the said Township;

THENCE easterly along the said Township boundary to the southerly prolongation of the easterly limit of Lot 25 in Concession I of the said Township of McDougall;

THENCE northerly to and along the easterly limit of Lot 25 in concessions I and II and the northerly prolongation thereof to a parallel line distant 200 feet measured southerly at right angles from the northerly high water mark of Mill Lake.

THENCE easterly and northerly parallel with the high water mark of Mill Lake to the easterly prolongation of southerly limit of Lot 24 in Concession IV of the Township of McDougall;

THENCE westerly to and along the southerly limit of lots 24 and 25 in Concession IV to the easterly limit of the road allowance between lots 25 and 26;

THENCE northerly along the said easterly limit to the northerly limit of the road allowance between concessions IV and V of the Township of McDougall;

THENCE westerly along the said northerly limit of road allowance to the easterly limit of the right-of-way of the Canadian Pacific Railways;

THENCE southerly along the easterly limit of the said right-of-way to the northerly limit of Lot 17 in Concession A of the Township of McDougall;

THENCE westerly along the northerly limit of the said Lot 17 to north-westerly angle of the said Lot;

THENCE westerly along the westerly prolongation of the northerly limit of the said Lot to the northerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE southerly to and along the easterly limit of the said Indian Reserve to the southerly boundary of the Township of McDougall;

THENCE easterly along the southerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE northerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

SECONDLY, part of the Township of Foley, commencing at the southwesterly angle of the Town of Parry Sound;

THENCE westerly along the prolongation of the southerly boundary of the said Town to the southerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE northerly to and along the easterly limit of the said Indian Reserve to the northerly boundary of the Township of Foley;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE southerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

## SCHEDULE E

FIRSTLY, part of the geographic township of Conger, commencing at the northeasterly angle of the Township of Conger;

THENCE westerly along the northerly boundary of the Township of Conger to the easterly limit of Lot 10 in Concession XII of the said Township;

THENCE southerly along the easterly limit of Lot 10 in concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger;

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the point of commencement;

SECONDLY, part of the geographic township of Conger, commencing at the southeasterly angle of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly boundary of the Township of Conger;

THENCE easterly along the southerly boundary of the Township of Conger to the point of commencement.

An Act respecting  
Local Government in the District of  
Parry Sound

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*1st Reading*

May 28th, 1979

*2nd Reading*

June 15th, 1979

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Reprinted as amended by the  
Committee of the Whole House)*

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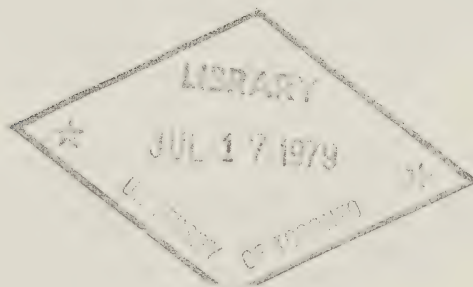
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F. BILL 100

Government  
of Ontario

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act respecting  
Local Government in the District of Parry Sound**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





BILL 100

1979

## An Act respecting Local Government in the District of Parry Sound

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Minister" means the Minister of Inter-Interpre-  
governmental Affairs.tation

### PART I

#### TOWNSHIPS OF GEORGIAN BAY NORTH ARCHIPELAGO AND GEORGIAN BAY SOUTH ARCHIPELAGO

**2.** In this Part, "Township" means the Township of Idem  
Georgian Bay North Archipelago as constituted under  
section 3 or the Township of Georgian Bay South Archipelago  
as constituted under section 4.

**3.** On the 1st day of January, 1980, the inhabitants of Township of  
those portions of the geographic townships of Shawanaga Georgian Bay  
and Harrison, all of which lands are described in Schedule A North  
hereto, are incorporated as a township municipality bearing Archipelago  
the name "The Corporation of the Township of Georgian incorporated  
Bay North Archipelago".

**4.** On the 1st day of January, 1980, the inhabitants of Township of  
the geographic Township of Cowper and of that portion of Georgian Bay  
the geographic Township of Conger all of which lands are South  
described in Schedule B hereto are incorporated as a town- Archipelago  
ship municipality bearing the name of "The Corporation of incorporated  
the Township of Georgian Bay South Archipelago".

**5.—(1)** The council of a Township shall consist of a reeve Composition  
to be elected by general vote and four councillors. of council

**(2)** The election of the first council shall be held in the Election  
year 1979 and, notwithstanding *The Municipal Elections Act*, of first  
council  
1977, c. 62



1977, the first council elected shall hold office for thirty-five months, commencing on the 1st day of January, 1980.

1979 election;  
Minister's  
powers

(3) Notwithstanding *The Municipal Elections Act, 1977*, the Minister shall, by order, provide for the holding of the election in the year 1979 of the members of the first council of a Township, including nominations, polling days, polling places, the appointment of returning officers, preparation of polling lists, and any other matters considered necessary in respect of the first election.

Minister  
to divide  
Township  
into wards

(4) For the purposes of the election of the first council, the Minister shall by order divide a Township into wards and provide for the number of members of council other than the reeve to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Referendum  
re name

(5) If directed by order of the Minister, a vote of the electors of a Township shall be taken at the same time as the election of the first council to determine, from among the names designated by the Minister, which name the Township shall bear, and following the vote the Minister shall by order confirm the name of the Township as set out in section 3 or 4, as the case may be, or declare the name that the Township shall bear, and, where a declaration is made, all references to the Township shall be deemed to refer to the name of such Township as designated in the declaration.

Expenses  
for election  
of first  
council, etc.

(6) The expenses of a Township for the election of the first council and for the elections of The West Parry Sound Board of Education in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Place of  
meetings

6. The meetings of a council shall be held at such place in the District of Parry Sound as the council from time to time appoints.

General  
administrative  
head

7.—(1) The council of a Township may, by by-law, appoint a general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the Township and perform such duties as the council by by-law describes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

Application of  
R.S.O. 1970,  
c. 284,  
s. 238 (2)

8.—(1) Where an established local roads area is entirely within a Township, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Township.

Dissolution  
of local  
roads area  
and board

(2) Where only part of an established local roads area is within a Township, that part of the local roads area is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal  
of part  
of local  
roads area

R.S.O. 1970,  
c. 256

(3) All taxes and penalties assessed by a local roads board against any land in a Township which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Unpaid taxes,  
collection of  
by Township

(4) A Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(5) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of a Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Local  
roads board  
program  
deemed  
adopted

Extension  
of Pine  
Bay Road;  
maintenance  
deemed part  
of South  
Conger roads  
program

(6) For purposes of subsection 5, the maintenance of the extension of the Pine Bay Road from Pine Bay to Woods Bay shall be deemed to be part of the road program of the South Conger Local Roads Board.

Appointment  
to fill  
vacancies

(7) Where part of a local roads area is removed from the local roads area under subsection 2, the remaining part is deemed to be a continuation of the original local roads area and the Minister of Transportation and Communications may, for the year 1980, by order, appoint persons to fill any vacancies on the board of trustees brought about as a result of this Act.

Territory  
detached from  
Parry Sound  
for purposes  
of  
1974, c. 109,  
s. 51 (2)

9.—(1) The territory without municipal organization that becomes part of a Township under section 3 or 4 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears  
deemed assets  
of Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in a Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Township to  
pay school tax  
arrears to  
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township has  
right to  
recover taxes  
under  
R.S.O. 1970,  
c. 118, Pt. III

(4) A Township has and shall be deemed always to have had the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in a Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township.

Agreements  
for services

10. A Township and any municipality, including a district municipality, may enter into agreements for providing any services within the jurisdiction of the Township.

**11.** On and after the 1st day of January, 1980, a Township shall be a planning area under *The Planning Act* to be known as The Georgian Bay North Archipelago Planning Area and The Georgian Bay South Archipelago Planning Area respectively and the Township council shall be the planning board thereof, and where the Township council meets in respect of matters pertaining to planning, no separate meeting of the council as a planning board is required.

Townships  
planning  
areas under  
R.S.O. 1970,  
c. 349

**12.—(1)** Upon application to the Minister by the Townships constituted under sections 3 and 4 that the Townships be incorporated as one Township municipality, the Minister may by order effect the incorporation on the date specified in the order and in such order may provide for the name of the new Township, the composition of the council of the new Township and the election of the members of the council of the new Township.

Power of  
Minister to  
incorporate  
one Township

(2) The provisions of this Part apply with necessary modifications to a new Township established under sub-section 1.

Application  
of Part

PART II

TOWN OF KEARNEY

**13.** In this Part, "Town" means the Town of Kearney as constituted under section 14.

Interpre-  
tation

**14.—(1)** On the 1st day of January, 1980, the geographic townships of Bethune and Proudfoot and those portions of the geographic townships of Butt and McCraney described in Schedule C hereto, and the Town of Kearney as it existed on the 31st day of December, 1979, are incorporated as a town municipality bearing the name "The Corporation of the Town of Kearney".

New Town  
of Kearney  
incorporated

(2) On and after the 1st day of January, 1980, the council of the Town shall consist of a mayor to be elected by general vote and six councillors.

Composition  
of council

(3) Notwithstanding *The Municipal Elections Act, 1977*, the election of the first council shall be held in the year 1979 and for the purposes of that election the Minister shall, by order, divide the Town into wards and provide for the number of members of council, other than the mayor, to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Election of  
council  
1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, on the 31st day of December, 1979, the existing council is dissolved, and the first council elected shall hold office for

Existing  
council  
dissolved;  
term of  
office of  
first council



thirty-five months, commencing on the 1st day of January, 1980.

Expenses for election of council, etc.

(5) The expenses of the Town for the election of the first council and for the election of The East Parry Sound Board of Education, in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Town deemed township for purposes of R.S.O. 1970, c. 201

(6) For the purposes of *The Public Transportation and Highway Improvement Act*, the Town shall be deemed to be a township municipality.

Alleviation of hardship

(7) Where any employee of the Town of Kearney employed on the 28th day of May, 1979 experiences any difficulty or hardship with regard to his employment as a result of the incorporation under this section, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Dissolution of local roads area and board

**15.**—(1) Where an established local roads area is entirely within the Town, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Town.

Unpaid taxes, collection of by Town

(2) All taxes and penalties assessed by a local roads board against any land in the Town which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon such land to the Town, and the collector of the Town shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Town, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Town.

Agreement respecting collection of land tax R.S.O. 1970, c. 370

(3) The Town and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Town of arrears of land tax in respect of property within the Town.

Local roads program deemed adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Town under this section, shall be deemed to be adopted by by-law of the council of the Town on the 1st day of January, 1980.

Territory annexed to Town ceases to be deemed to be district municipality 1977, c. 109

**16.**—(1) The territory without municipal organization that becomes part of the Town under section 14 of this Act and that was deemed to be a district municipality or part of a district municipality in respect of The East Parry Sound Board of Education under subsection 3 of section 50 of *The Education Act, 1974*, ceases to be so deemed on the 1st day of January, 1980.

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the Town and that are owing and uncollected as of the 1st day of January, 1980, shall be deemed to have become assets of the Town on the 1st day of January, 1980.

School tax  
arrears  
deemed assets  
of Town

(3) The Town shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The East Parry Sound Board of Education.

Town to pay  
school tax  
arrears to  
East Parry  
Sound Board  
of Education

(4) The Town has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Town has  
right to  
collect  
taxes under  
R.S.O. 1970,  
c. 118, Pt. III

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Town on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Town.

Saving

### PART III

#### TOWN OF PARRY SOUND

**17.** On the 1st day of January, 1980, the portions of the Township of McDougall and the Township of Foley described in Schedule D hereto are annexed to the Town of Parry Sound.

Part of  
McDougall  
Township  
and Foley  
Township  
annexed to  
Parry Sound

**18.** Where any employee of the Township of McDougall experiences any difficulty or hardship with regard to his employment as a result of the annexation under section 16, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Alleviation  
of hardship

### PART IV

#### TOWNSHIP OF HUMPHREY

**19.** On the 1st day of January, 1980, the portions of the geographic Township of Conger described in Schedule E hereto are annexed to the Township of Humphrey.

Part of Conger  
annexed to  
Humphrey

**20.—(1)** Where part of an established local roads area is within the Township, that part of the local roads area

Removal of  
part of  
local roads  
area

is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

R.S.O. 1970,  
c. 256

Unpaid taxes,  
collection of  
by township

(2) All taxes and penalties assessed by a local roads board against any land in the Township, which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Agreement  
respecting  
collection of  
land tax  
R.S.O. 1970,  
c. 370

(3) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Local roads  
board program  
deemed  
adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Detachment  
of part of  
Conger from  
Parry Sound

1974, c. 109

**21.**—(1) That part of the geographic Township of Conger that becomes part of the Township under section 19 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax  
arrears deemed  
assets of  
Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to land located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Arrears to be  
paid to  
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township  
has right to  
collect taxes  
under  
R.S.O. 1970,  
c. 118, Part III

(4) The Township has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest



owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township. Saving

## PART V

### GENERAL

**22.** The incorporations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, made on the day the incorporations or annexations take effect under this Act, pursuant to applications made under sections 10 and 14 of *The Municipal Act*, and subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such incorporation and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers. Incorporations and annexations deemed by Municipal Board orders R.S.O. 1970, c. 323, 284

**23.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the content and purpose of this Act. Conditional powers

**24.** Notwithstanding subsections 12, 25 and 31 of section 57 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of January, 1980 and ending on the 30th day of November, 1980, affect the representation on The West Parry Sound Board of Education or The East Parry Sound Board of Education of any municipality or territory without municipal organization as it exists on the day this Act comes into force. Representation on boards of education not affected 1974, c. 109

**25.** This Act comes into force on the day it receives Royal Assent. Commencement

Short title

**26.** The short title of this Act is *The District of Parry Sound Local Government Act, 1979*.

## SCHEDULE A

FIRSTLY, part of the geographic township of Harrison, commencing at the intersection of the easterly high water mark of Georgian Bay and the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to the westerly limit of the Naiscoutaing Indian Reserve Number 17A;

THENCE easterly following the southerly limits of the said Indian Reserve to the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to a point distant 8,052 feet measured North  $69^{\circ} 08' 20''$  East therealong from the easterly limit of Lot 31 in Concession XIV of the Township of Harrison;

THENCE South  $20^{\circ} 51' 40''$  East 13,332 feet to a point;

THENCE North  $69^{\circ} 08' 20''$  East 32,000 feet to the easterly boundary of the Township of Harrison;

THENCE southerly along the easterly boundary of the Township of Harrison to its southeasterly angle;

THENCE westerly along the southerly boundary of the Township of Harrison to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE westerly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to northwesterly point of the said Island;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark of Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South  $69^{\circ} 08' 20''$  West 26.5 miles to the middle of Georgian Bay;

THENCE North  $36^{\circ}$  West along the middle of Georgian Bay 5.5 miles to the easterly boundary of the Territorial District of Manitoulin in accordance with paragraph 47 of section 1 of *The Territorial Division Act*;

THENCE Due North along the said easterly boundary 3.8 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.5 miles to a point midway between the Brother Islands and the Sister Islands;

THENCE easterly to the northerly point of Jarrad Island;

THENCE easterly following the middle of Charles Inlet being to and along the middle of the Middle Channel of the Naiscoot River to the headwaters of the South Channel of the Naiscoot River;

THENCE southerly along the middle of the South Channel of the Naiscoot River to the westerly prolongation of the northerly boundary of the Township of Harrison;

THENCE easterly along the prolongation of the Township of Harrison to the point of commencement;

SECONDLY, part of the geographic township of Shawanaga, commencing at the intersection of the easterly high water mark of Georgian Bay and the southerly boundary of the Township of Shawanaga;

THENCE easterly along the southerly boundary of the Township of Shawanaga to a point distant 6,666 feet measured South  $69^{\circ} 08' 20''$  West therealong from the southwesterly angle of Lot 20 in Concession I in the Township of Shawanaga;

THENCE North  $20^{\circ} 51' 40''$  West to the southerly limit of the Shawanaga Indian Reserve Number 17;

THENCE westerly and northerly following the westerly limits of the Indian Reserve to the northerly limit of the said Indian Reserve;

THENCE easterly following the said northerly limit to the easterly limit of the said Indian Reserve;

THENCE southerly along the easterly limit of the said Indian Reserve to the northeasterly limit of the King's Highway Number 69;

THENCE North  $69^{\circ} 08' 20''$  East 3 miles to the easterly boundary of the Township of Shawanaga;

THENCE northerly along the easterly boundary of the Township of Shawanaga to its northeasterly angle;

THENCE westerly along the northerly boundary of the Township of Shawanaga to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE southwesterly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to its northwesterly point;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark to the northwesterly Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South  $69^{\circ} 08' 20''$  West 26.5 miles to the middle of Georgian Bay;

THENCE South  $36^{\circ}$  East along the middle of Georgian Bay 6.8 miles to the westerly angle of the Township of Carling;

THENCE easterly along the northerly boundary of the Township of Carling to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Naiscotaing Indian Reserve Number 17B.

## SCHEDULE B

FIRSTLY, part of the geographic township of Conger, commencing at the intersection of the northly boundary of the Township of Conger and the easterly limit of Lot 10 in Concession XII of the Township of Conger;

THENCE southerly along the easterly limit of Lot 10 in Concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger.

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE southerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly limit of the Township of Conger;

THENCE South  $69^{\circ} 08' 20''$  West along the southerly boundary of the Township of Conger to the easterly high water mark of Twelve Mile Bay of Georgian Bay;

THENCE South  $69^{\circ} 08' 20''$  West along the westerly prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970 to the middle of Twelve Mile Bay of Georgian Bay;

THENCE westerly in a straight line to a point midway between Martin Island and Passage Island;

THENCE southwesterly in a straight line 11.75 miles to a point measured South  $20^{\circ} 51' 40''$  East one mile from the southerly point of Thumb Rock of the Western Islands, the said point being on the westerly prolongation of the southerly boundary of the Township of Conger;

THENCE South  $69^{\circ} 08' 20''$  West along the prolongation of the said southerly boundary 11 miles to the middle of Georgian Bay;

THENCE North  $36^{\circ}$  West along the middle of Georgian Bay 5.4 miles to a point;

THENCE North  $69^{\circ} 08' 20''$  East 25.2 miles to a point distant 1,500 feet measured South  $69^{\circ} 08' 20''$  West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed Islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point distant 200 feet measured Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;



THENCE Due North 2,000 feet to a point ;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the northerly boundary of the Township of Conger ;

THENCE easterly and northeasterly following the middle of the said Bay to the northerly boundary of the Township of Conger ;

THENCE easterly along the northerly boundary of the Township of Conger to the point of commencement ;

SECONDLY, the geographic township of Cowper, commencing at the southeasterly angle of the Township of Cowper ;

THENCE northerly along the easterly boundary of the Township of Cowper to the southerly high water mark of South Channel ;

THENCE northerly along the northerly prolongation in accordance with subsection 2b of section 11 of *The Territorial Division Act*, to the southerly high water mark of Isabella Island ;

THENCE easterly, northerly and westerly following the high water mark of Isabella Island to the said northerly prolongation of the easterly boundary of the Township of Cowper ;

THENCE northerly along the northerly prolongation of the easterly boundary of the Township of Cowper to the boundary between the geographic townships of Cowper and McDougall ;

THENCE westerly along the northerly boundary of the geographic township of Cowper in accordance with the said section 11 of *The Territorial Division Act* to the easterly high water mark of Georgian Bay on the westerly shore of Parry Island ;

THENCE westerly following the southerly boundaries of the Township of Carling to the southwesterly angle of the Township of Carling in the middle of Georgian Bay ;

THENCE South 36° East along the middle of Georgian Bay 10.3 miles to a point ;

THENCE North 69° 08' 20" East 25.2 miles to a point distant 1,500 feet measured South 69° 08' 20" West from the westerly point of Trusty Island ;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island ;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island ;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island ;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point ;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed islands lying north of Anker Pint Islet ;



THENCE easterly 1,000 feet to a point measured 200 feet Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly and northeasterly following the middle of the Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly along the southerly boundary of the Township of Cowper to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Parry Island Indian Reserve Number 16.

## SCHEDULE C

FIRSTLY, part of the geographic township of Butt, commencing at the southwesterly angle of the Township of Butt;

THENCE easterly along the southerly boundary of the Township of Butt to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly along the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of Butt;

THENCE westerly along the northerly boundary of the Township of Butt to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of Butt to the point of commencement;

SECONDLY, part of the geographic township of McCraney, commencing at the southwesterly angle of the Township of McCraney;

THENCE easterly along the southerly boundary of the Township of McCraney to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly following the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of McCraney;

THENCE westerly along the northerly boundary of the Township of McCraney to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of McCraney to the point of commencement.

## SCHEDULE D

FIRSTLY, part of the Township of McDougall, commencing at the intersection of the northerly boundary of the Town of Parry Sound and the high water mark of the easterly shore of Parry Sound;

THENCE easterly following the boundaries between the Town of Parry Sound and the Township of McDougall to the northeasterly angle of the said Town;

THENCE southerly following along the boundaries between the Town of Parry Sound and the Township of McDougall to the southerly boundary of the said Township;

THENCE easterly along the said Township boundary to the southerly prolongation of the easterly limit of Lot 25 in Concession I of the said Township of McDougall;

THENCE northerly to and along the easterly limit of Lot 25 in concessions I and II and the northerly prolongation thereof to a parallel line distant 200 feet measured southerly at right angles from the northerly high water mark of Mill Lake.

THENCE easterly and northerly parallel with the high water mark of Mill Lake to the easterly prolongation of southerly limit of Lot 24 in Concession IV of the Township of McDougall;

THENCE westerly to and along the southerly limit of lots 24 and 25 in Concession IV to the easterly limit of the road allowance between lots 25 and 26;

THENCE northerly along the said easterly limit to the northerly limit of the road allowance between concessions IV and V of the Township of McDougall;

THENCE westerly along the said northerly limit of road allowance to the easterly limit of the right-of-way of the Canadian Pacific Railways;

THENCE southerly along the easterly limit of the said right-of-way to the northerly limit of Lot 17 in Concession A of the Township of McDougall;

THENCE westerly along the northerly limit of the said Lot 17 to north-westerly angle of the said Lot;

THENCE westerly along the westerly prolongation of the northerly limit of the said Lot to the northerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE southerly to and along the easterly limit of the said Indian Reserve to the southerly boundary of the Township of McDougall;

THENCE easterly along the southerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE northerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

SECONDLY, part of the Township of Foley, commencing at the southwesterly angle of the Town of Parry Sound;

THENCE westerly along the prolongation of the southerly boundary of the said Town to the southerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE northerly to and along the easterly limit of the said Indian Reserve to the northerly boundary of the Township of Foley;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE southerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

## SCHEDULE E

FIRSTLY, part of the geographic township of Conger, commencing at the northeasterly angle of the Township of Conger;

THENCE westerly along the northerly boundary of the Township of Conger to the easterly limit of Lot 10 in Concession XII of the said Township;

THENCE southerly along the easterly limit of Lot 10 in concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger;

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the point of commencement;

SECONDLY, part of the geographic township of Conger, commencing at the southeasterly angle of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly boundary of the Township of Conger;

THENCE easterly along the southerly boundary of the Township of Conger to the point of commencement.

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An Act respecting  
Local Government in the District of  
Parry Sound

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*1st Reading*

May 28th, 1979

*2nd Reading*

June 15th, 1979

*3rd Reading*

June 22nd, 1979

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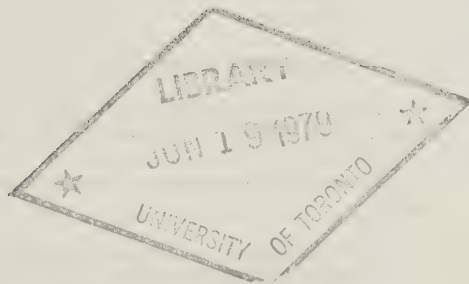
THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979  
Regulation of Public Utilities  
111

## An Act to amend The Public Utilities Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



## EXPLANATORY NOTES

SECTION 1. Clause *c* of section 13 now reads as follows:

- (c) *being a tenant, occupant, or inmate of any house, building or other place supplied with water from the waterworks, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water.*

The re-enactment will permit some things, now absolutely prohibited, to be done with the consent of the municipal corporation that supplies the water.

SECTION 2. Subsection 1 of section 30 as it is proposed to be re-enacted is set out below, showing underlined the words being added:

- (1) *The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to Ontario Hydro for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon is a lien and charge upon the estate or interest in such land of the person by whom the amount is due and may be collected by distress upon the goods and chattels of the person and by the sale of his estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land.*

The effect is to create a lien on an owner's land for up to three month's arrears of utility charges to the same extent and in the same manner as municipal taxes.

SECTION 3.—Subsection 1. Subsection 1 of section 42 now reads as follows:

- (1) *A commission established under this Part is a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall be one ex officio and the others shall be elected at the same time and place and in the same manner as the head of the council, and subject to subsection 3 the elected members shall hold office for two years and until their successors are elected and the new commission is organized.*

The re-enactment is to make it clear that the members of public utility commissions are to be elected by general vote at elections held under *The Municipal Elections Act, 1977*.



BILL 101

1979

## An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 13 of *The Public Utilities Act*, being chapter 390 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 13 (c),  
re-enacted

(c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from the waterworks, improperly wastes the water or, without the consent of the corporation, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own or increases the supply of water agreed for.

2. Subsection 1 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (1),  
re-enacted

(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to Ontario Hydro for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon is a lien and charge upon the estate or interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of his estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land. Extent to  
which  
amount  
payable to  
form lien  
on land

- 3.—(1) Subsection 1 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (1),  
re-enacted

(1) A commission established under this Part is a body corporate and shall consist of three or five members as may be provided Number of  
commis-  
sioners

by the by-law, of whom the head of the council shall be one *ex officio* and the others shall be elected by general vote at elections held under *The Municipal Elections Act, 1977*.

1977, c. 62

s. 42 (3, 4, 6, 7, 8, 9),  
repealed

(2) Subsections 3, 4, 6, 7, 8 and 9 of the said section 42 are repealed.

s. 42 (10),  
re-enacted

(3) Subsection 10 of the said section 42 is repealed and the following substituted therefor:

Head of  
council not  
affected

(10) Nothing in subsection 5 affects the *ex officio* membership in a commission of the head of council.

s. 42 (12),  
amended

(4) Subsection 12 of the said section 42 is amended by striking out "III and IV" in the second line and inserting in lieu thereof "and III".

s. 44 (2),  
repealed

4. Subsection 2 of section 44 of the said Act is repealed.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The Public Utilities Amendment Act, 1979*.

Subsection 2. The subsections repealed provided for staggered terms of office for members. Under *The Municipal Elections Act, 1977* all members will hold office for a period of two years commencing on the 1st day of December in an election year.

Subsection 3. The re-enactment of subsection 10 is complementary to the amendment made by subsection 1 of this section of the Bill; references to the subsections being repealed are dropped.

Subsection 4. Subsection 12 of section 42 now reads as follows:

- (12) *Except where otherwise expressly provided, the provisions of Parts II, III and IV of The Municipal Act that are applicable to members of the council of a local municipality apply mutatis mutandis to the commissioners to be elected under this Part.*

The reference to Part IV of *The Municipal Act* is dropped; that Part has been repealed and the substance of its provisions are now found in *The Municipal Elections Act, 1977*.

SECTION 4. The subsection proposed to be repealed now reads as follows:

- (2) *Where a commission is established that has the control and management of works constructed for the distribution of electrical power or energy supplied by Ontario Hydro, the salary or other remuneration of the commissioners, so far as it is chargeable to such works, is subject to the approval of Ontario Hydro, and when the approval has been given the salary or other remuneration shall not be changed or discontinued by the council without the consent of Ontario Hydro.*





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An Act to amend  
The Public Utilities Act

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*1st Reading*

May 28th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*



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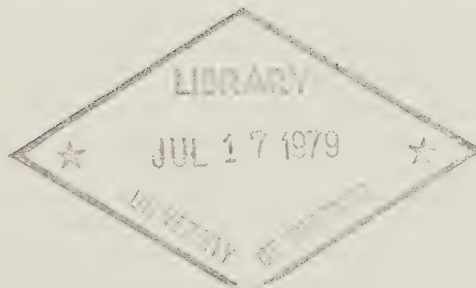
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17 BILL 101

7-10-1979

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Public Utilities Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





BILL 101

1979

## An Act to amend The Public Utilities Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 13 of *The Public Utilities Act*, being chapter 390 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 13 (c),  
re-enacted

(c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from the waterworks, improperly wastes the water or, without the consent of the corporation, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own or increases the supply of water agreed for.

2. Subsection 1 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (1),  
re-enacted

(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to Ontario Hydro for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon is a lien and charge upon the estate or interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of his estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land. Extent to  
which  
amount  
payable to  
form lien  
on land

- 3.—(1) Subsection 1 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (1),  
re-enacted

(1) A commission established under this Part is a body corporate and shall consist of three or five members as may be provided Number of  
commis-  
sioners

by the by-law, of whom the head of the council shall be one *ex officio* and the others shall be elected by general vote at elections held under *The Municipal Elections Act, 1977*.

1977, c. 62

s. 42 (3, 4, 6, 7, 8, 9),  
repealed

(2) Subsections 3, 4, 6, 7, 8 and 9 of the said section 42 are repealed.

s. 42 (10),  
re-enacted

(3) Subsection 10 of the said section 42 is repealed and the following substituted therefor:

Head of  
council not  
affected

(10) Nothing in subsection 5 affects the *ex officio* membership in a commission of the head of council.

s. 42 (12),  
amended

(4) Subsection 12 of the said section 42 is amended by striking out "III and IV" in the second line and inserting in lieu thereof "and III".

s. 44 (2),  
repealed

4. Subsection 2 of section 44 of the said Act is repealed.

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The Public Utilities Amendment Act, 1979*.









An Act to amend  
The Public Utilities Act

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*1st Reading*

May 28th, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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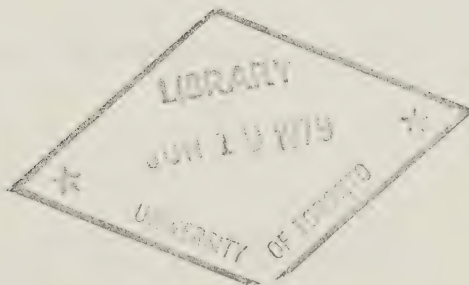
BILL 102

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to declare  
the Rights of Children in Ontario

MR. MCCLELLAN



TORONTO

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#### EXPLANATORY NOTE

The purpose of the Bill is to declare the rights of children in Ontario and to provide a means for enforcing those rights. The Bill sets out a series of rights belonging to children who are resident in Ontario and states that every parent and the Government of Ontario has a duty to protect these rights. In certain circumstances, an application can be made to a judge for a determination whether a duty to a child has been fulfilled and the nature of that duty. The Bill provides further guarantees for children in any proceedings concerning matters affecting the guardianship, custody or status of children.

BILL 102

1979

## An Act to declare the Rights of Children in Ontario

**W**HEREAS The Legislature of Ontario desires to nurture Preamble  
and safeguard the Province's most precious resource, our  
children, and whereas it is considered to be in the best interests of  
children in Ontario to enact a Declaration of the Rights of Chil-  
dren, together with the means of enforcing those rights;

Therefore, Her Majesty, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario, enacts as  
follows:

### 1. In this Act,

Definitions

- (a) "court" means a provincial court (family division) or the Unified Family Court;
- (b) "judge" means a provincial judge presiding in a provincial court (family division) or in the Unified Family Court;
- (c) "Minister" means the Attorney General of Ontario;
- (d) "parent" includes,
  - (i) a guardian,
  - (ii) a person who has demonstrated a settled intention to treat a child as a child of the person's family, and
  - (iii) a person who is not recognized in law to be a parent of a child but,
    - 1. has acknowledged a parental relationship to the child and has voluntarily provided for the child's care and support, or

2. by an order of a court of competent jurisdiction or a written agreement, is under a legal duty to provide for the child or has been granted custody of or access to the child,

but does not include the Crown, a society or a foster parent of a child.

Declaration  
of rights

**2.** It is hereby recognized and declared that every child resident in the Province of Ontario is entitled to the following basic rights,

- (a) the right to food, clothing and housing in order to ensure good health and personal development;
- (b) the right to an environment free from physical abuse, exploitation and degrading treatment;
- (c) the right to health care necessary to promote physical and mental health and to remedy illness;
- (d) the right to reside with parents and siblings except where it is in the best interest of the child for the child to reside elsewhere;
- (e) the right to parental and adult support, guidance and continuity in the child's life;
- (f) the right to an education which will ensure every child the opportunity to reach and exercise his or her full potential;
- (g) the right to play and recreation;
- (h) the right to have his or her opinions heard and to be included to the greatest extent possible when any decisions are being made affecting his or her life;
- (i) the right to independent adult counselling and legal assistance in relation to all decisions affecting guardianship, custody, or a determination of status;
- (j) the right to a competent interpreter where language or a disability is a barrier in relation to all decisions affecting guardianship, custody, or a determination of status;
- (k) the right to an explanation of all decisions affecting guardianship, custody, or a determination of status;
- (l) the right to be informed of the rights of children and to have them applied and enforced.

**3.—**(1) Every parent has a duty to provide for and protect the rights of his or her child unless that parent, Duty of parent to child

- (a) is unable or unwilling to do so and can demonstrate that the child's rights are being provided for and protected by some other person, institution or agency; or
- (b) is under a legal duty arising from an order of a court of competent jurisdiction or a written agreement limiting the access or other rights of the parent in respect of the child.

(2) The Government of Ontario has a duty to support and assist every parent in providing for and protecting the rights of his or her child and for this purpose the Government of Ontario shall, Duty of Government of Ontario to parent

- (a) provide such services as are necessary to promote and maintain the rights of children; and
- (b) where the Government of Ontario provides a service to one or more parents, extend that service to any other parent in Ontario who requests the service.

(3) The Government of Ontario has a duty to provide for and protect the rights of a child where, Duty of Government of Ontario to child

- (a) neither parent of the child is fulfilling his or her duty to the child;
- (b) each parent of the child voluntarily relinquishes his or her rights and duties in respect of the child to the Government of Ontario; or
- (c) the child becomes a ward of the Crown.

**4.** A parent may refuse to participate in or accept services provided by the Government of Ontario for a child under section 3 unless a court determines that the child is in need of protection under *The Child Welfare Act*, 1978. Rights of parent to refuse services  
1978, c. 85

**5.—**(1) Upon the application of a child, a judge may make an order in the nature of a declaration determining, Declaration

- (a) whether a parent has fulfilled his or her duty to provide for and protect the right of a child under this Act; and
- (b) the nature of the parent's duty in the particular circumstances of the case.



Where parent  
makes  
application

(2) Upon the application of a parent on behalf of his or her child, a judge may make an order in the nature of a declaration determining,

- (a) whether the Government of Ontario has fulfilled its duty to support and assist the parent in providing for and protecting the rights of his or her child; and
- (b) the nature of the duty of the Government of Ontario in the particular circumstances of the case.

Idem

(3) Upon the application of a child who is a ward of the Crown, or who is in the care of a children's aid society or foster parent or who, in the opinion of the judge, is in need of care, the judge may make an order in the nature of a declaration determining,

- (a) whether the Government of Ontario has a duty to provide for and protect the rights of the child; and
- (b) the nature of the duty of the Government of Ontario in the particular circumstances of the case.

Child as  
applicant

**6.—**(1) A child has capacity to make an application under this Act without the intervention of a next friend or a guardian *ad litem*.

Rules of  
court

(2) An application under this Act may be made in the manner prescribed by the rules of court.

Evidence

**7.** Any oral testimony, document or thing that, where admitted as evidence, enables or assists a judge in determining the rights and needs of a child is relevant to the subject-matter of proceedings under this Act, but the judge shall not admit any testimony, document or thing that attributes fault or blame to any person and does not concern directly the rights and needs of the child.

Interpre-  
tation

**8.—**(1) In this section, "court" means a provincial court (family division), the Unified Family Court, a county or district court or the Supreme Court.

Legal  
represent-  
ation  
for child

(2) A child may have legal representation at any stage in proceedings before a court in Ontario in any matter affecting the guardianship, custody or status of the child.

Court may  
direct legal  
represent-  
ation  
for child

(3) Where in a proceeding referred to in subsection 2 a child does not have legal representation, the court shall, as soon as practicable in the proceedings, determine whether legal representation is desirable to protect the interests of the child and if at that time or any later stage in the proceedings the court determines that legal representation is desirable that court shall direct that legal representation be provided for the child.

**9.**—(1) The rights enumerated in clauses *h*, *i*, *j*, and *k* of section 2 shall be deemed to constitute standards of natural justice in proceedings concerning the guardianship, custody or status of a child. Standards of natural justice

(2) Any decision arising from a proceeding referred to in subsection 1 is subject to review in proceedings for an order in the nature of *certiorari* or by way of an action for a declaration or an injunction as if the standards of natural justice established by clauses *h*, *i*, *j* and *k* of section 2 were standards of natural justice at common law. Idem

**10.**—(1) The Minister shall cause to be collected, maintained and published from time to time a digest of judicial declarations made under section 5. Digest of judicial declarations

(2) A copy of the digest of judicial declarations shall be provided by the Minister to the clerk of each provincial court (family division) and Unified Family Court and the clerk shall make the digest available to any person for examination during normal business hours and any person may make extracts therefrom. Idem

**11.** Where a provision of this Act conflicts with a provision of any other Act, this Act applies. Conflict

**12.** This Act comes into force on the day it receives Royal Assent. Commencement

**13.** The short title of this Act is *The Children's Rights Act*, 1979. Short title

An Act to declare  
the Rights of Children in Ontario

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*1st Reading*

May 28th, 1979

*2nd Reading*

*3rd Reading*

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MR. McCLELLAN

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*(Private Member's Bill)*

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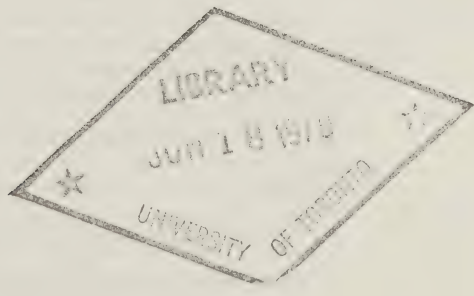
Government  
Publications  
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

# An Act to amend The Municipal Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



## EXPLANATORY NOTES

### SECTION 1. Self-explanatory.

### SECTION 2. Subsection 1 of section 224 now reads as follows:

- (1) *The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Ministry may prescribe, together with a copy of the report of the auditor.*

At present, only local municipalities must publish financial statements. The proposed re-enactment of subsection 1 of section 224 extends the requirement to all municipalities.

### SECTION 3. Section 236 now reads as follows:

236. *Every qualified person elected to any municipal office shall take the declaration of office, where he is elected to fill a vacancy, within ten days after his election, and in other cases on or before the day fixed for holding the first meeting of the body to which he was elected, and in default he shall be deemed to have resigned.*

The proposed subsection 2 will permit a municipal council or other body to extend the time for a person to take the declaration of office, in appropriate cases, for a person elected to fill a vacancy on the council or other body.

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 8 of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 1, par. 8, repealed
- (2) Paragraph 13a of the said section 1, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 1, is repealed s. 1, par. 13a, re-enacted and the following substituted therefor:
  - 13a. “Minister” means the Minister of Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 “Minister” means the Minister of Housing;
  - 13b. “Ministry” means the Ministry of Intergovernmental Affairs.
2. Subsection 1 of section 224 of the said Act is repealed and the s. 224 (1), re-enacted following substituted therefor:
  - (1) The treasurer of every municipality in every year shall, Publication of financial statements, etc. within the time prescribed by the Ministry after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer, either,
    - (a) a copy of the statement of revenue and expenditure, statement of capital operations, the balance sheet, the notes to the financial statements, the auditor’s report, and the mill rate information for the current and previous year as contained in the financial review; or
    - (b) a summary of the information referred to in clause a in such form as the Ministry may prescribe.
3. Section 236 of the said Act is amended by adding thereto the s. 236, amended following subsection:



Extension  
of time

(2) Notwithstanding subsection 1, a municipal council or other body to which a person is elected may, for such reasons as it considers appropriate, extend by thirty days the times referred to in subsection 1.

s. 242b (4),  
amended

4. Subsection 4 of section 242b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 14, is amended by inserting after "section" in the second line "and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of *The Statutory Powers Procedure Act*, 1971".

s. 293 (3),  
amended

5. Subsection 3 of section 293 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3, 1976, chapter 69, section 4 and 1977, chapter 48, section 5, is further amended by adding thereto the following clause:

(p) by the council of a local municipality with respect to an agreement under section 24 of *The Planning Act* or subsection 20 of section 361 of this Act.

R.S.O. 1970,  
c. 349

s. 352,  
par. 41,  
re-enacted

- 6.—(1) Paragraph 41 of section 352 of the said Act is repealed and the following substituted therefor:

Rewards

41. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location or return of missing persons and property.

s. 352,  
par. 74,  
amended

- (2) Paragraph 74 of the said section 352 is amended by adding thereto the following clauses:

(i) Members of a board of management appointed under this paragraph shall hold office at the pleasure of the council that appointed them and unless sooner removed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.

(j) Where a member of a board of management appointed under this paragraph has been removed from office before the expiration of his term, the council may appoint another eligible person for the unexpired portion of his term.

s. 354 (1),  
par. 129,  
re-enacted

7. Paragraph 129 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:



SECTION 4. Subsection 4 of section 242*b*, as amended by this section, is set out below showing underlined the additional words:

- (4) *Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of The Statutory Powers Procedure Act, 1971, the provisions of sections 5 to 15 and 21 to 24 of The Statutory Powers Procedure Act, 1971 shall be deemed to apply to the committee and to the hearing conducted by it and those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter.*

The amendment clarifies that the subsection applies only where the decision is a statutory power of decision.

SECTION 5. The proposed clause *p* specifies additional by-laws that may be passed by local municipalities without the assent of the electors.

SECTION 6.—Subsection 1. Paragraph 41 of section 352 as proposed to be re-enacted is set out below showing underlined the words that have been added:

41. *For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location and return of missing persons and property.*

The change permits municipalities to offer and pay rewards for information leading to the location and return of missing persons and property.

Subsection 2. Paragraph 74 of section 352 provides that a municipality may pass by-laws for acquiring, erecting, altering, maintaining, operating or managing special undertakings, including monuments, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia and museums.

The new clauses clarify the terms of office of members of a board of management of such an undertaking appointed under clause *e* of the said paragraph.

SECTION 7. Paragraph 129 of subsection 1 of section 354 now reads as follows:

129. *For prohibiting and regulating the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.*

The proposed paragraph 129 gives municipalities the power to inspect sewage and industrial waste drains on private property, except land or premises used as dwellings, in addition to the existing powers to prohibit and regulate the discharge of sewage and industrial waste.

SECTION 8. Paragraph 8 of section 363 allows the councils of urban municipalities to pass by-laws prohibiting any person from leaving unattended a motor vehicle that is not locked in a manner that will prevent the unauthorized use of the vehicle. Clause *b* provides that the minimum fine for the breach of a by-law passed under paragraph 8 is \$1 and the maximum fine is \$10. With the repeal of clause *b*, a person convicted of a breach of a by-law passed under paragraph 8 would be subject to the general penalty provisions set out in section 466 of the Act.

SECTION 9. Subsection 2 of section 450 now reads as follows:

- (2) *No highway less than twenty metres in width or, except in a city or town, more than thirty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.*

The underlined words are deleted by the amendment. Under the proposed subsection 2 of section 450, the approval of the Minister of Housing will no longer be required where the municipal council lays out a highway greater than thirty metres in width.

SECTION 10. Under the proposed amendment, local municipalities will be able to lease or license the use of untravelled portions of highways in any area of the municipality. At present, these powers are restricted to lands in areas zoned for industrial or commercial purposes.

SECTION 11. The proposed section 469a gives a court the power to issue an order to restrain the continuation or repetition of a breach of a municipal by-law where a conviction has been entered.

SECTION 12. Subsection 1 of section 517 now reads as follows:

- (1) *The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.*

The amendment increases the deemed minimum tax rate from \$6 to \$10 and provides a method whereby the Minister may prescribe the deemed minimum amount of taxes.

129. For prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

Control  
of sewage

- (a) A person appointed by the council to carry out inspections under this paragraph may, for the purpose of carrying out such inspections, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant, and may take such tests and samples as are necessary for the purposes of the inspection.

8. Clause *b* of paragraph 8 of section 363 of the said Act is repealed.

s. 363,  
par. 8 (*b*),  
repealed

9. Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5 and 1978, chapter 87, section 40, is repealed and the following substituted therefor:

s. 450 (2),  
re-enacted

(2) No highway less than twenty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

Width of  
highways

10. Paragraph 1 of section 454 of the said Act is repealed and the following substituted therefor:

s. 454,  
par. 1,  
re-enacted

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Leasing and  
licensing  
untravelled  
portions of  
highways

11. The said Act is amended by adding thereto the following section:

s. 469a,  
enacted

469a. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Power to  
restrain by  
order when  
conviction  
entered

12. Subsection 1 of section 517 of the said Act is repealed and the following substituted therefor:

s. 517 (1),  
re-enacted

(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in

Minimum  
tax

any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than,

- (a) \$10 or such other amount as may be prescribed from time to time by the Minister; or
- (b) such other amount as may be determined by council, which amount shall not exceed \$10, or, where another amount has been prescribed by the Minister, such other amount,

the sum of such taxes shall be deemed to be \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, as the case may be, and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, shall form part of the general funds of the municipality.

Minister's  
order

(1a) The Minister may, by order, prescribe amounts for the purpose of subsection 1.

s. 527 (3),  
amended

**13.**—(1) Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "1 per cent" in the third line and inserting in lieu thereof "1¼ per cent".

s. 527 (4),  
amended

(2) Subsection 4 of the said section 527, as enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "12 per cent" in the fourth line and inserting in lieu thereof "15 per cent".

s. 527 (8),  
re-enacted

(3) Subsection 8 of the said section 527 is repealed and the following substituted therefor:

Provision  
for payment  
of taxes into  
bank, etc.

(8) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company, or Province of Ontario Savings Office or, subject to *The Credit Unions and Caisses Populaires Act, 1976*, into such credit union within the meaning of that Act, as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

1976, c. 62

SECTION 13.—Subsections 1 and 2. The effect of the amendments to subsections 3 and 4 of section 527 is to raise the interest charge that may be imposed in respect of unpaid taxes during the year in which the taxes become payable from 1 per cent to  $1\frac{1}{4}$  per cent where the interest is charged on a monthly basis and from 12 per cent to 15 per cent where interest is charged on an annual basis.

Subsection 3. The proposed re-enactment of subsection 8 of section 527 will enable a municipality to authorize the payment of tax moneys into a credit union. At present, tax moneys may only be paid into a chartered bank, trust company or Province of Ontario Savings Office.



SECTION 14. The proposed amendments to subsections 1 and 2 of section 553 are complementary to the amendment to section 527 of the Act as set out in section 13 of this Bill. The amount of interest that may be charged in respect of unpaid taxes and interest is increased from 1 per cent to 1¼ per cent per month and from 12 per cent to 15 per cent per year.

SECTION 15.—Subsection 1. Subsection 1a of section 636a as amended by this subsection is set out below showing underlined the additional words:

- (1a) *The council may, by by-law passed on or before the 31st day of December in any year, provide that the Assessment Review Court shall exercise the functions of the council under subsections 6, 7 and 16, except in respect of applications under clause d of subsection 1, and any such by-law shall apply to applications made in and after the year in which such by-law is passed and shall continue so to apply until repealed.*

Subsection 1 of section 636a provides for applications to a municipal council for the cancellation, reduction or refund of taxes in certain cases. Clause d of subsection 1 provides for applications by persons who are unable to pay taxes by reason of sickness or extreme poverty. Under the proposed amendment, the council will be required to hear such applications.

Subsections 2, 3 and 4. Subsections 6, 7 and 8 of section 636a, as amended by this section, are set out below showing underlined the additional words:

- (6) *Where the council has not passed a by-law under subsection 1a, and in the case of all applications under clause d of subsection 1, the council, subject to such restrictions and limitations as are contained in this section, may reject the application or,*
- (a) *where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes; or*
  - (b) *where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or*
  - (c) *where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.*
- (7) *Subject to subsection 7a, the council shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made, and in the case of every application under clause d of subsection 1, the council shall hear and dispose of every application not later than the 31st day of December in the year following the year in respect of which the application is made, and the clerk of the municipality shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon, except in the case of applications under clause d of subsection 1, that such decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice.*
- (8) *Subject to subsection 8a, an appeal may be had to the Assessment Review Court by the applicant from the decision of the council, or where the council has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing de novo.*

The amendments are complementary to the amendment to subsection 1a.

- 14.**—(1) Subsection 1 of section 553 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended by striking out “1 per cent” in the eighth line and inserting in lieu thereof “1¼ per cent”. s. 553 (1), amended
- (2) Subsection 2 of the said section 553, as enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended by striking out “12 per cent” in the fifth line and inserting in lieu thereof “15 per cent”. s. 553 (2), amended
- 15.**—(1) Subsection 1*a* of section 636*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 175, section 9, is repealed and the following substituted therefor: s. 636*a* (1*a*), re-enacted
- (1*a*) The council may, by by-law passed on or before the 31st day of December in any year, provide that the Assessment Review Court shall exercise the functions of the council under subsections 6, 7 and 16, except in respect of applications under clause *d* of subsection 1, and any such by-law shall apply to applications made in and after the year in which such by-law is passed and shall continue so to apply until repealed. By-law to provide for exercise by Assessment Review Court of functions of council
- (2) Subsection 6 of the said section 636*a*, exclusive of the clauses, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25 and amended by 1973, chapter 175, section 9, is repealed and the following substituted therefor: s. 636*a* (6), re-enacted
- (6) Where the council has not passed a by-law under subsection 1*a*, and in the case of all applications under clause *d* of subsection 1, the council, subject to such restrictions and limitations as are contained in this section, may reject the application or, Powers of council
- . . . . .
- (3) Subsection 7 of the said section 636*a*, as amended by the Statutes of Ontario, 1973, chapter 175, section 9, is repealed and the following substituted therefor: s. 636*a* (7), re-enacted
- (7) Subject to subsection 7*a*, the council shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made, and in the case of every application under clause *d* of subsection 1, the council shall hear and dispose of every application not later than the 31st day of December in the year following the year in respect of which the application is made, and the clerk of the municipality shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon, except in the case of applications under clause *d* of Time of hearing, etc.



subsection 1, that such decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice.

s. 636a (8),  
amended

(4) Subsection 8 of the said section 636a is amended by adding at the commencement thereof "Subject to subsection 8a".

s. 636a,  
amended

(5) The said section 636a is amended by adding thereto the following subsection:

Decision of  
council final

(8a) In the case of an application under clause *d* of subsection 1, the decision of the council is final and no appeal may be had to the Assessment Review Court.

Transition  
R.S.O. 1970,  
c. 284

(6) Applications under clause *d* of subsection 1 of section 636a of *The Municipal Act* commenced prior to the coming into force of this section shall be continued and finally determined in the same manner as if this section had not been enacted.

s. 639a,  
enacted

**16.** The said Act is further amended by adding thereto the following section:

English and  
French  
language  
forms

639a.—(1) The Minister may, by order, prescribe an English and French language version of any form prescribed by or under this Act.

By-laws  
providing  
for use  
of forms

(2) The council of a municipality may, by by-law, provide for the use in the municipality of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by or under this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force in a municipality the version of the forms provided for in the by-law shall be used in the municipality in place of the corresponding forms prescribed by or under this Act.

Commence-  
ment

**17.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on the 1st day of January, 1980.

Short title

**18.** The short title of this Act is *The Municipal Amendment Act, 1979*.

Subsection 5. Under the proposed subsection 8*a*, the decision of the council will be final with respect to an application under clause *d* of subsection 1 of section 636*a*.

Subsection 6. Self-explanatory.

SECTION 16. The proposed section 639*a* authorizes the Minister of Inter-governmental Affairs to prescribe bilingual versions of forms prescribed by or under *The Municipal Act*.

The council of a municipality will be authorized to provide for the use in the municipality of a bilingual version of a form that is prescribed by the Minister.





An Act to amend The Municipal Act

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

*(Government Bill)*

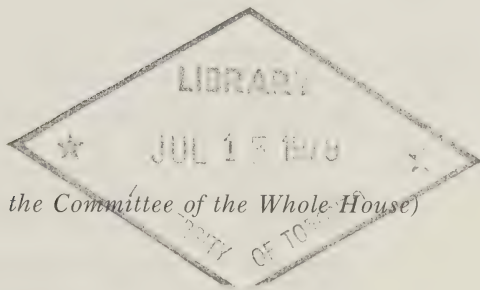
BILL 103

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Municipal Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



*(Reprinted as amended by the Committee of the Whole House)*

## EXPLANATORY NOTES

### SECTION 1. Self-explanatory.

### SECTION 2. Subsection 1 of section 224 now reads as follows:

- (1) *The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Ministry may prescribe, together with a copy of the report of the auditor.*

At present, only local municipalities must publish financial statements. The proposed re-enactment of subsection 1 of section 224 extends the requirement to all municipalities.

### SECTION 3. Section 236 now reads as follows:

236. *Every qualified person elected to any municipal office shall take the declaration of office, where he is elected to fill a vacancy, within ten days after his election, and in other cases on or before the day fixed for holding the first meeting of the body to which he was elected, and in default he shall be deemed to have resigned.*

The proposed subsection 2 will permit a municipal council or other body to extend the time for a person to take the declaration of office, in appropriate cases, for a person elected to fill a vacancy on the council or other body.



BILL 103

1979

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. <sup>s. 1, par. 8, repealed</sup>

(2) Paragraph 13a of the said section 1, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 1, is repealed <sup>s. 1, par. 13a, re-enacted</sup> and the following substituted therefor:

13a. “Minister” means the Minister of Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 “Minister” means the Minister of Housing;

13b. “Ministry” means the Ministry of Intergovernmental Affairs.

2. Subsection 1 of section 224 of the said Act is repealed and the <sup>s. 224 (1), re-enacted</sup> following substituted therefor:

(1) The treasurer of every municipality in every year shall, <sup>Publication of financial statements, etc.</sup> within the time prescribed by the Ministry after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer, either,

(a) a copy of the statement of revenue and expenditure, statement of capital operations, the balance sheet, the notes to the financial statements, the auditor's report, and the mill rate information for the current and previous year as contained in the financial review; or

(b) a summary of the information referred to in clause a in such form as the Ministry may prescribe.

3. Section 236 of the said Act is amended by adding thereto the <sup>s. 236, amended</sup> following subsection:

Extension  
of time

(2) Notwithstanding subsection 1, a municipal council or other body to which a person is elected may, for such reasons as it considers appropriate, extend by thirty days the times referred to in subsection 1.

s. 242b (4),  
amended

4. Subsection 4 of section 242b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 14, is amended by inserting after "section" in the second line "and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of *The Statutory Powers Procedure Act*, 1971".

s. 293 (3),  
amended

5. Subsection 3 of section 293 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3, 1976, chapter 69, section 4 and 1977, chapter 48, section 5, is further amended by adding thereto the following clause:

(p) by the council of a local municipality with respect to an agreement under section 24 of *The Planning Act* or subsection 20 of section 361 of this Act.

R.S.O. 1970,  
c. 349

s. 352,  
par. 41,  
re-enacted

- 6.—(1) Paragraph 41 of section 352 of the said Act is repealed and the following substituted therefor:

Rewards

41. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location or return of missing persons and property.

s. 352,  
par. 74,  
amended

- (2) Paragraph 74 of the said section 352 is amended by adding thereto the following clauses:

(i) Members of a board of management appointed under this paragraph shall hold office at the pleasure of the council that appointed them and unless sooner removed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.

(j) Where a member of a board of management appointed under this paragraph has been removed from office before the expiration of his term, the council may appoint another eligible person for the unexpired portion of his term.

s. 354 (1),  
par. 129,  
re-enacted

7. Paragraph 129 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:

SECTION 4. Subsection 4 of section 242b, as amended by this section, is set out below showing underlined the additional words:

- (4) *Where a committee conducts a hearing in respect of any matter pursuant to a by-law passed under this section, and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of The Statutory Powers Procedure Act, 1971, the provisions of sections 5 to 15 and 21 to 24 of The Statutory Powers Procedure Act, 1971 shall be deemed to apply to the committee and to the hearing conducted by it and those sections, except for section 24, do not apply to the council in the exercise of its power of decision in respect of such matter.*

The amendment clarifies that the subsection applies only where the decision is a statutory power of decision.

SECTION 5. The proposed clause *p* specifies additional by-laws that may be passed by local municipalities without the assent of the electors.

SECTION 6.—Subsection 1. Paragraph 41 of section 352 as proposed to be re-enacted is set out below showing underlined the words that have been added:

41. *For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location and return of missing persons and property.*

The change permits municipalities to offer and pay rewards for information leading to the location and return of missing persons and property.

Subsection 2. Paragraph 74 of section 352 provides that a municipality may pass by-laws for acquiring, erecting, altering, maintaining, operating or managing special undertakings, including monuments, parks, recreational areas, playgrounds, athletic fields, zoological or other gardens, natural history collections, observatories or works of art, or other places of recreation and amusement, arenas, auditoriums, health or community centres, stadia and museums.

The new clauses clarify the terms of office of members of a board of management of such an undertaking appointed under clause *e* of the said paragraph.

SECTION 7. Paragraph 129 of subsection 1 of section 354 now reads as follows:

129. *For prohibiting and regulating the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.*

The proposed paragraph 129 gives municipalities the power to inspect sewage and industrial waste drains on private property, except land or premises used as dwellings, in addition to the existing powers to prohibit and regulate the discharge of sewage and industrial waste.

SECTION 8. Paragraph 8 of section 363 allows the councils of urban municipalities to pass by-laws prohibiting any person from leaving unattended a motor vehicle that is not locked in a manner that will prevent the unauthorized use of the vehicle. Clause *b* provides that the minimum fine for the breach of a by-law passed under paragraph 8 is \$1 and the maximum fine is \$10. With the repeal of clause *b*, a person convicted of a breach of a by-law passed under paragraph 8 would be subject to the general penalty provisions set out in section 466 of the Act.

SECTION 9. Subsection 2 of section 450 now reads as follows:

- (2) *No highway less than twenty metres in width or, except in a city or town, more than thirty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.*

The underlined words are deleted by the amendment. Under the proposed subsection 2 of section 450, the approval of the Minister of Housing will no longer be required where the municipal council lays out a highway greater than thirty metres in width.

SECTION 10. Under the proposed amendment, local municipalities will be able to lease or license the use of untravelled portions of highways in any area of the municipality. At present, these powers are restricted to lands in areas zoned for industrial or commercial purposes.

SECTION 11. The proposed section 469a gives a court the power to issue an order to restrain the continuation or repetition of a breach of a municipal by-law where a conviction has been entered.

SECTION 12. Subsection 1 of section 517 now reads as follows:

- (1) *The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$6, the sum of such taxes shall be deemed to be \$6 and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$6 shall form part of the general funds of the municipality.*

The amendment increases the deemed minimum tax rate from \$6 to \$10 and provides a method whereby the Minister may prescribe the deemed minimum amount of taxes.

129. For prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

Control  
of sewage

- (a) A person appointed by the council to carry out inspections under this paragraph may, for the purpose of carrying out such inspections, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant, and may take such tests and samples as are necessary for the purposes of the inspection.

8. Clause *b* of paragraph 8 of section 363 of the said Act is repealed.
9. Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5 and 1978, chapter 87, section 40, is repealed and the following substituted therefor:

s. 363,  
par. 8 (b),  
repealed  
s. 450 (2),  
re-enacted

(2) No highway less than twenty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

Width of  
highways

10. Paragraph 1 of section 454 of the said Act is repealed and the following substituted therefor:

s. 454,  
par. 1,  
re-enacted

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Leasing and  
licensing  
untravelled  
portions of  
highways

11. The said Act is amended by adding thereto the following section:

s. 469a,  
enacted

469a. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Power to  
restrain by  
order when  
conviction  
entered

12. Subsection 1 of section 517 of the said Act is repealed and the following substituted therefor:

s. 517 (1),  
re-enacted

(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in

Minimum  
tax



any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than,

- (a) \$10 or such other amount as may be prescribed from time to time by the Minister; or
- (b) such other amount as may be determined by council, which amount shall not exceed \$10, or, where another amount has been prescribed by the Minister, such other amount,

the sum of such taxes shall be deemed to be \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, as the case may be, and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, shall form part of the general funds of the municipality.

Minister's  
order

(1a) The Minister may, by order, prescribe amounts for the purpose of subsection 1.

s. 527 (3),  
amended

**13.**—(1) Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "1 per cent" in the third line and inserting in lieu thereof "1¼ per cent".

s. 527 (4),  
amended

(2) Subsection 4 of the said section 527, as enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "12 per cent" in the fourth line and inserting in lieu thereof "15 per cent".

s. 527 (8),  
re-enacted

(3) Subsection 8 of the said section 527 is repealed and the following substituted therefor:

Provision  
for payment  
of taxes into  
bank, etc.

(8) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company, or Province of Ontario Savings Office or, subject to *The Credit Unions and Caisses Populaires Act, 1976*, into such credit union within the meaning of that Act, as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

1976, c. 62

SECTION 13.—Subsections 1 and 2. The effect of the amendments to subsections 3 and 4 of section 527 is to raise the interest charge that may be imposed in respect of unpaid taxes during the year in which the taxes become payable from 1 per cent to  $1\frac{1}{4}$  per cent where the interest is charged on a monthly basis and from 12 per cent to 15 per cent where interest is charged on an annual basis.

Subsection 3. The proposed re-enactment of subsection 8 of section 527 will enable a municipality to authorize the payment of tax moneys into a credit union. At present, tax moneys may only be paid into a chartered bank, trust company or Province of Ontario Savings Office.



SECTION 14. The proposed amendments to subsections 1 and 2 of section 553 are complementary to the amendment to section 527 of the Act as set out in section 13 of this Bill. The amount of interest that may be charged in respect of unpaid taxes and interest is increased from 1 per cent to  $1\frac{1}{4}$  per cent per month and from 12 per cent to 15 per cent per year.

SECTION 15. The proposed section 639*a* authorizes the Minister of Inter-governmental Affairs to prescribe bilingual versions of forms prescribed by or under *The Municipal Act*.

The council of a municipality will be authorized to provide for the use in the municipality of a bilingual version of a form that is prescribed by the Minister.

**14.**—(1) Subsection 1 of section 553 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended by striking out “1 per cent” in the eighth line and inserting in lieu thereof “1¼ per cent”. s. 553(1), amended

(2) Subsection 2 of the said section 553, as enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended by striking out “12 per cent” in the fifth line and inserting in lieu thereof “15 per cent”. s. 553(2), amended

**15.** The said Act is further amended by adding thereto the following section: s. 639a, enacted

639a.—(1) The Minister may, by order, prescribe an English and French language version of any form prescribed by or under this Act. English and French language forms

(2) The council of a municipality may, by by-law, provide for the use in the municipality of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by or under this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force in a municipality the version of the forms provided for in the by-law shall be used in the municipality in place of the corresponding forms prescribed by or under this Act. By-laws providing for use of forms

**16.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on the 1st day of January, 1980. Idem

**17.** The short title of this Act is *The Municipal Amendment Act, 1979*. Short title

An Act to amend The Municipal Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Reprinted as amended by the  
Committee of the Whole House)*

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**BILL 103**

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

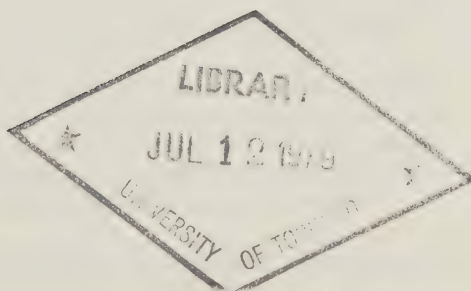
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**An Act to amend The Municipal Act**

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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BILL 103

1979

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 8 of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 1, par. 8, repealed
- (2) Paragraph 13a of the said section 1, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 1, is repealed s. 1, par. 13a, re-enacted and the following substituted therefor:

13a. “Minister” means the Minister of Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 “Minister” means the Minister of Housing;

13b. “Ministry” means the Ministry of Intergovernmental Affairs.

2. Subsection 1 of section 224 of the said Act is repealed and the following substituted therefor: s. 224 (1), re-enacted

(1) The treasurer of every municipality in every year shall, within the time prescribed by the Ministry after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer, either, Publication of financial statements, etc.

(a) a copy of the statement of revenue and expenditure, statement of capital operations, the balance sheet, the notes to the financial statements, the auditor's report, and the mill rate information for the current and previous year as contained in the financial review; or

(b) a summary of the information referred to in clause a in such form as the Ministry may prescribe.

3. Section 236 of the said Act is amended by adding thereto the following subsection: s. 236, amended

Extension  
of time

(2) Notwithstanding subsection 1, a municipal council or other body to which a person is elected may, for such reasons as it considers appropriate, extend by thirty days the times referred to in subsection 1.

s. 242b (4),  
amended

4. Subsection 4 of section 242b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 14, is amended by inserting after "section" in the second line "and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of *The Statutory Powers Procedure Act, 1971*".

s. 293 (3),  
amended

5. Subsection 3 of section 293 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3, 1976, chapter 69, section 4 and 1977, chapter 48, section 5, is further amended by adding thereto the following clause:

(p) by the council of a local municipality with respect to an agreement under section 24 of *The Planning Act* or subsection 20 of section 361 of this Act.

R.S.O. 1970,  
c. 349

s. 352,  
par. 41,  
re-enacted

- 6.—(1) Paragraph 41 of section 352 of the said Act is repealed and the following substituted therefor:

Rewards

41. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location or return of missing persons and property.

s. 352,  
par. 74,  
amended

- (2) Paragraph 74 of the said section 352 is amended by adding thereto the following clauses:

(i) Members of a board of management appointed under this paragraph shall hold office at the pleasure of the council that appointed them and unless sooner removed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.

(j) Where a member of a board of management appointed under this paragraph has been removed from office before the expiration of his term, the council may appoint another eligible person for the unexpired portion of his term.

s. 354 (1),  
par. 129,  
re-enacted

7. Paragraph 129 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:



129. For prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

Control  
of sewage

- (a) A person appointed by the council to carry out inspections under this paragraph may, for the purpose of carrying out such inspections, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant, and may take such tests and samples as are necessary for the purposes of the inspection.

8. Clause *b* of paragraph 8 of section 363 of the said Act is repealed.
9. Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5 and 1978, chapter 87, section 40, is repealed and the following substituted therefor:

s. 363,  
par. 8 (*b*),  
repealed

s. 450 (2);  
re-enacted

(2) No highway less than twenty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

Width of  
highways

10. Paragraph 1 of section 454 of the said Act is repealed and the following substituted therefor:

s. 454,  
par. 1,  
re-enacted

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Leasing and  
licensing  
untravelled  
portions of  
highways

11. The said Act is amended by adding thereto the following section:

s. 469*a*,  
enacted

469*a*. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Power to  
restrain by  
order when  
conviction  
entered

12. Subsection 1 of section 517 of the said Act is repealed and the following substituted therefor:

s. 517 (1),  
re-enacted

(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in

Minimum  
tax

any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than,

- (a) \$10 or such other amount as may be prescribed from time to time by the Minister; or
- (b) such other amount as may be determined by council, which amount shall not exceed \$10, or, where another amount has been prescribed by the Minister, such other amount,

the sum of such taxes shall be deemed to be \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, as the case may be, and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, shall form part of the general funds of the municipality.

Minister's  
order

(1a) The Minister may, by order, prescribe amounts for the purpose of subsection 1.

s. 527 (3),  
amended

**13.—**(1) Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "1 per cent" in the third line and inserting in lieu thereof "1¼ per cent".

s. 527 (4),  
amended

(2) Subsection 4 of the said section 527, as enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "12 per cent" in the fourth line and inserting in lieu thereof "15 per cent".

s. 527 (8),  
re-enacted

(3) Subsection 8 of the said section 527 is repealed and the following substituted therefor:

Provision  
for payment  
of taxes into  
bank, etc.

(8) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company, or Province of Ontario Savings Office or, subject to *The Credit Unions and Caisses Populaires Act, 1976*, into such credit union within the meaning of that Act, as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

1976, c. 62

- 14.**—(1) Subsection 1 of section 553 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended <sup>s. 553 (1), amended</sup> by striking out “1 per cent” in the eighth line and inserting in lieu thereof “1¼ per cent”.
- (2) Subsection 2 of the said section 553, as enacted by the Statutes <sup>s. 553 (2), amended</sup> of Ontario, 1976, chapter 69, section 19, is amended by striking out “12 per cent” in the fifth line and inserting in lieu thereof “15 per cent”.
- 15.** The said Act is further amended by adding thereto the following <sup>s. 639a, enacted</sup> section:
- 639a.—(1) The Minister may, by order, prescribe an English <sup>English and</sup> and French language version of any form prescribed by or under <sup>French language forms</sup> this Act.
- (2) The council of a municipality may, by by-law, provide for <sup>By-laws providing for use of forms</sup> the use in the municipality of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by or under this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force in a municipality the version of the forms provided for in the by-law shall be used in the municipality in place of the corresponding forms prescribed by or under this Act.
- 16.**—(1) This Act, except section 2, comes into force on the day it <sup>Commence-ment</sup> receives Royal Assent.
- (2) Section 2 comes into force on the 1st day of January, 1980. <sup>Idem</sup>
- 17.** The short title of this Act is *The Municipal Amendment Act, 1979*. <sup>Short title</sup>

An Act to amend The Municipal Act

*1st Reading*

May 29th, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

3  
17  
B. G.  
BILL 104

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend  
The Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



#### EXPLANATORY NOTES

SECTION 1. The added sections of *The Municipal Act* made applicable to the Metropolitan Corporation are:

1. Subsection 1 of section 224 dealing with the publication of financial statements
2. Section 390a providing for the procuring of liability insurance to protect members of council or a local board.

SECTION 2. The maximum rate of interest chargeable by an area municipality in respect of overdue payments relating to waterworks is increased from 12 per cent to 15 per cent.

SECTIONS 3 and 4. The maximum rate of interest on overdue payments is increased from 12 per cent to 15 per cent; section 43 of the Act relates to water supply and section 52 to sewage treatment works.



BILL 104

1979

## An Act to amend The Municipality of Metropolitan Toronto Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 6, is repealed and the following substituted therefor:
 

s. 17 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 201, subsection 1 of section 224, sections 243, 259, 281 to 286, 349, 350, paragraphs 66 and 67 of section 352, and sections 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

Application of  
R.S.O. 1970,  
c. 284

2. Subsection 6 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 3, is repealed and the following substituted therefor:
 

s. 29 (6),  
re-enacted

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

3. Subsection 2 of section 43 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 22, section 1, is repealed and the following substituted therefor:
 

s. 43 (2),  
re-enacted

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default of a rate of 15 per cent per annum, or such lower rate as the Metropolitan Council determines, while such default continues.

Discounts  
and  
penalties



s. 52 (6),  
re-enacted

4. Subsection 6 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 4, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 55,  
amended

5. Section 55 of the said Act is amended by adding thereto the following subsections:

Control of  
sewage

(2) The Metropolitan Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Metropolitan Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Metropolitan Council and a by-law passed by the council of the area municipality in which the land is situate under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Metropolitan Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality remains in full force and effect.

s. 65 (10),  
re-enacted

6. Subsection 10 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 5, is repealed and the following substituted therefor:

Default

(10) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 9, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 84,  
re-enacted

7. Section 84 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 7, is repealed and the following substituted therefor:

Use of  
sidewalks,  
etc.,  
metropolitan  
roads

84.—(1) The Metropolitan Council may by by-law empower the council of any area municipality to pass by-laws for the leasing or licensing of the use of the whole or any part of or all sidewalks and untravelled portions of Metropolitan roads within the area municipality for such purposes and upon such terms and conditions as are specified by the Metropolitan Council in the by-law.

SECTION 5. The new subsection 2 to section 55 of the Act empowers the Metropolitan Council to prohibit or regulate the discharge of matter into sewers or treatment works under its jurisdiction. The new subsection 3 provides that in the event of conflict the Metro by-law prevails over a corresponding area municipality by-law.

SECTION 6. The maximum rate of interest chargeable on overdue payments relating to waste disposal is increased from 12 per cent to 15 per cent.

SECTION 7. Section 84 of the Act as it now reads permits the Metropolitan Council to, by by-law, empower the council of an area municipality to license the use of sidewalks and untravelled portions of metropolitan roads. As re-enacted, the Metropolitan Council may specify the purposes and the terms and conditions of the licensing in its empowering by-law. Subsection 2 is new and makes it clear that the penalty and enforcement provisions of *The Municipal Act* apply to a by-law of an area municipality passed under the authority of the Metropolitan Council by-law.

SECTIONS 8, 9, 10, 11, 12, 13, 14 and 15. The maximum rate of interest chargeable on overdue payments of various kinds, whether by an area municipality to the Metropolitan Corporation or the reverse, is increased from 12 per cent to 15 per cent.

(2) Part XXI of *The Municipal Act* applies with necessary modifications to any by-law passed by the council of an area municipality under the authority of a by-law passed by the Metropolitan Council under subsection 1.

Application of  
R.S.O. 1970,  
c. 284,  
Part XXI

8. Subsection 3 of section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 8, is repealed and the following substituted therefor:

s. 95 (3),  
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

9. Subsection 3 of section 112 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 9, is repealed and the following substituted therefor:

s. 112 (3),  
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality or the Metropolitan Council determines, from the date payment is due until it is made.

Default

10. Subsection 2 of section 133 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 10, is repealed and the following substituted therefor:

s. 133 (2),  
re-enacted

(2) If the Metropolitan Corporation fails to make any payments as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

11. Subsection 5 of section 147 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 11, is repealed and the following substituted therefor:

s. 147 (5),  
re-enacted

(5) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 4, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

s. 150 (6),  
re-enacted

- 12.** Subsection 6 of section 150 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 12, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 160 (3),  
re-enacted

- 13.** Subsection 3 of section 160 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 13, is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payments as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the City determines, from the date payment is due until it is made.

s. 182 (6),  
re-enacted.

- 14.** Subsection 6 of section 182 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 14, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 206 (3),  
re-enacted

- 15.** Subsection 3 of section 206 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 15, is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 208 (6),  
re-enacted

- 16.—(1)** Subsection 6 of section 208 of the said Act is repealed and the following substituted therefor:

Deemed not  
local board  
except for  
R.S.O. 1970,  
c. 324

(6) Except for the purposes of *The Ontario Municipal Employees Retirement System Act*, the Board of Management shall be deemed not to be a local board of the Metropolitan Corporation.

SECTION 16.—Subsection 1. Subsection 6 of section 208 of the Act now provides that the Board of Management of the O'Keefe Centre is deemed not to be a local board of the Metropolitan Corporation; as re-enacted, the Board will be a local board for the purposes of OMERS.

Subsection 2. The re-enacted subsection will exempt from municipal taxes the lands of the O'Keefe Centre.

SECTION 17. The effect of the amendments is to permit the Metropolitan Corporation to invest surplus funds in term deposits accepted by a credit union and to become a member of a credit union.

SECTION 18. The maximum rate of interest chargeable on overdue payments in respect of the Metropolitan levy is increased from 12 per cent to 15 per cent.

SECTION 19. The additional sections of *The Municipal Act* made applicable to the Metropolitan Corporation are:

1. Paragraph 24*a* of section 352 providing for the custody of things of historical interest.
2. Subparagraph ii of paragraph 112 of subsection 1 of section 354 dealing with parking of motor vehicles on municipal property.



- (2) Subsection 10 of the said section 208 is repealed and the following substituted therefor: s. 208 (10), re-enacted

(10) The occupation, management and control by the Board of Management of the land acquired by the Metropolitan Corporation under this section shall be deemed, for the purposes of paragraph 9 of section 3 of *The Assessment Act*, to be occupation, management and control by the Metropolitan Corporation. Taxation  
R.S.O. 1970, c. 32

- 17.**—(1) Clause *a* of subsection 2 of section 212 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 13 and amended by 1976, chapter 42, section 16, is further amended by striking out “or” at the end of subclause iv and by adding thereto the following subclause: s. 212 (2) (a), amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976; or 1976, c. 62

. . . . .

- (2) The said section 212 is amended by adding thereto the following subsection: s. 212, amended

(3) The Metropolitan Corporation is deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act*, 1976. Deemed municipality for purposes of 1976, c. 62, s. 35

- 18.** Subsection 15 of section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 22, section 5, is repealed and the following substituted therefor: s. 214 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made. Default

- 19.** Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 13, is repealed and the following substituted therefor: s. 241 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 24*a*, 29, 41, 42, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation. Application of R.S.O. 1970, c. 284

- 20.**—(1) This Act, except subsection 2 of section 16, comes into force on the day it receives Royal Assent. Commencement

- Idem (2) Subsection 2 of section 16 shall be deemed to have come into force on the 1st day of January, 1979.
- Short title **21.** The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*.







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An Act to amend The Municipality of  
Metropolitan Toronto Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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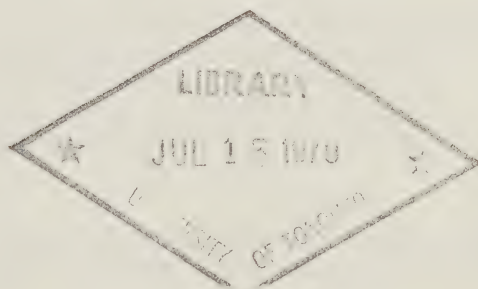
*(Government Bill)*

3  
F BILL 104

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs







BILL 104

1979

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 6, is repealed and the following substituted therefor:
 

s. 17 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 201, subsection 1 of section 224, sections 243, 259, 281 to 286, 349, 350, paragraphs 66 and 67 of section 352, and sections 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

Application of  
R.S.O. 1970,  
c. 284

2. Subsection 6 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 3, is repealed and the following substituted therefor:
 

s. 29 (6),  
re-enacted

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

3. Subsection 2 of section 43 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 22, section 1, is repealed and the following substituted therefor:
 

s. 43 (2),  
re-enacted

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default of a rate of 15 per cent per annum, or such lower rate as the Metropolitan Council determines, while such default continues.

Discounts  
and  
penalties

s. 52 (6),  
re-enacted

4. Subsection 6 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 4, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 55,  
amended

5. Section 55 of the said Act is amended by adding thereto the following subsections:

Control of  
sewage

(2) The Metropolitan Council has all the authority and powers in respect of any sewers which mediatly or immediately enter into sewers or treatment works under the jurisdiction of the Metropolitan Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Metropolitan Council and a by-law passed by the council of the area municipality in which the land is situate under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Metropolitan Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality remains in full force and effect.

s. 65 (10),  
re-enacted

6. Subsection 10 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 5, is repealed and the following substituted therefor:

Default

(10) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 9, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 84,  
re-enacted

7. Section 84 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 7, is repealed and the following substituted therefor:

Use of  
sidewalks,  
etc.,  
metropolitan  
roads

84.—(1) The Metropolitan Council may by by-law empower the council of any area municipality to pass by-laws for the leasing or licensing of the use of the whole or any part of or all sidewalks and untravelled portions of Metropolitan roads within the area municipality for such purposes and upon such terms and conditions as are specified by the Metropolitan Council in the by-law.

(2) Part XXI of *The Municipal Act* applies with necessary modifications to any by-law passed by the council of an area municipality under the authority of a by-law passed by the Metropolitan Council under subsection 1.

Application of  
R.S.O. 1970,  
c. 284,  
Part XXI

8. Subsection 3 of section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 8, is repealed and the following substituted therefor:

s. 95 (3),  
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

9. Subsection 3 of section 112 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 9, is repealed and the following substituted therefor:

s. 112 (3),  
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality or the Metropolitan Council determines, from the date payment is due until it is made.

Default

10. Subsection 2 of section 133 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 10, is repealed and the following substituted therefor:

s. 133 (2),  
re-enacted

(2) If the Metropolitan Corporation fails to make any payments as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

11. Subsection 5 of section 147 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 11, is repealed and the following substituted therefor:

s. 147 (5),  
re-enacted

(5) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 4, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

s. 150 (6),  
re-enacted

- 12.** Subsection 6 of section 150 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 12, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 160 (3),  
re-enacted

- 13.** Subsection 3 of section 160 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 13, is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payments as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the City determines, from the date payment is due until it is made.

s. 182 (6),  
re-enacted.

- 14.** Subsection 6 of section 182 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 14, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 206 (3),  
re-enacted

- 15.** Subsection 3 of section 206 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 15, is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 208 (6),  
re-enacted

- 16.—(1)** Subsection 6 of section 208 of the said Act is repealed and the following substituted therefor:

Deemed not  
local board  
except for  
R.S.O. 1970,  
c. 324

(6) Except for the purposes of *The Ontario Municipal Employees Retirement System Act*, the Board of Management shall be deemed not to be a local board of the Metropolitan Corporation.



(2) Subsection 10 of the said section 208 is repealed and the following substituted therefor: s. 208 (10),  
re-enacted

(10) The occupation, management and control by the Board of Management of the land acquired by the Metropolitan Corporation under this section shall be deemed, for the purposes of paragraph 9 of section 3 of *The Assessment Act*, to be occupation, management and control by the Metropolitan Corporation. Taxation  
R.S.O. 1970,  
c. 32

**17.**—(1) Clause *a* of subsection 2 of section 212 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 13 and amended by 1976, chapter 42, section 16, is further amended by striking out “or” at the end of subclause iv and by adding thereto the following subclause: s. 212 (2) (a),  
amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976; or 1976, c. 62

. . . . .

(2) The said section 212 is amended by adding thereto the following subsection: s. 212,  
amended

(3) The Metropolitan Corporation is deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act*, 1976. Deemed  
municipality  
for purposes  
of 1976, c. 62,  
s. 35

**18.** Subsection 15 of section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 22, section 5, is repealed and the following substituted therefor: s. 214 (15),  
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made. Default

**19.** Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 13, is repealed and the following substituted therefor: s. 241 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 24*a*, 29, 41, 42, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation. Application of  
R.S.O. 1970,  
c. 284

**20.**—(1) This Act, except subsection 2 of section 16, comes into force on the day it receives Royal Assent. Commence-  
ment

Idem

(2) Subsection 2 of section 16 shall be deemed to have come into force on the 1st day of January, 1979.

Short title

**21.** The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*.









An Act to amend The Municipality of  
Metropolitan Toronto Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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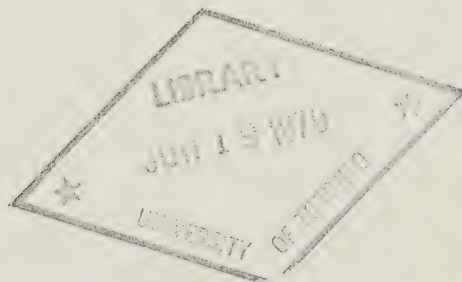
<sup>2</sup>  
17  
**BILL 105**

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend The Condominium Act, 1978**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations



#### EXPLANATORY NOTE

The effect of the amendment is to obviate the requirement for a declarant to pay interest on money held on account of purchase price where the purchaser is in occupation of the unit. Subsection 6 of section 51 of the Act sets out a maximum amount that a proposed purchaser in occupation shall pay. In circumstances where the proposed purchaser is not assuming a mortgage, the declarant has a double burden of financing carrying charges on the unit as well as paying interest on the deposit while the proposed purchaser is in occupation.

BILL 105

1979

**An Act to amend  
The Condominium Act, 1978**

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

- 1.—(1) Subsection 3 of section 53 of *The Condominium Act, 1978*, <sup>s. 53 (3),</sup>  
being chapter 84, is repealed. <sub>repealed</sub>
- (2) Subsection 4 of the said section 53 is amended by striking out <sup>s. 53 (4),</sup>  
“subsections 2 and 3” in the first line and inserting in lieu <sub>amended</sub>  
thereof “subsection 2”.
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Condominium Amendment Act*, Short title  
1979.



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An Act to amend  
The Condominium Act, 1978

---

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

---

*(Government Bill)*

3  
BILL 106

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Municipality of Metropolitan Toronto Act

MR. EPP



## EXPLANATORY NOTES

SECTION 1. The amendments to section 4 of *The Municipality of Metropolitan Toronto Act* would reinstate the three year term of office for members of the councils and local boards, including boards of education, of area municipalities in Metropolitan Toronto and, consequently, for members of the Metropolitan Council and the Metropolitan Toronto School Board.

SECTION 2. Subsection 5 of section 5, as it currently reads, showing underlined the words to be deleted, is set out below:

- (5) *At the first meeting of the Metropolitan Council in each year after a regular election at which a quorum is present, the Metropolitan Council shall organize as a council and elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act.*

The provision, as amended, requires that the chairman of the Metropolitan Council be an elected member of one of the area municipalities.

SECTION 3. Subsection 5 of section 10 is set out below:

- (5) *Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.*

The effect of repealing this provision would be to permit the chairman of the Metropolitan Council to continue as a member of the council of an area municipality.

SECTION 4. This amendment is complementary to section 1 of the Bill.

BILL 106

1979

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 4 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 168, section 1, is repealed and the following substituted therefor: s. 4 (1),  
re-enacted

(1) In every area municipality, the election of candidates for council and for any local board, any members of which are elected by ballot by the electors, shall be held in the year 1981 and in every third year thereafter and the provisions of *The Municipal Elections Act, 1977* apply to every such election with necessary modifications. Election  
of  
council  
  
1977, c. 62

- (2) Subsection 4 of the said section 4, as re-enacted by the Statutes of Ontario, 1972, chapter 168, section 1, is repealed and the following substituted therefor: s. 4 (4),  
re-enacted

(4) The members of the council and of such local boards shall hold office for a three-year term and until their successors are elected and the new council or board is organized. Term of  
office

2. Subsection 5 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 1, is amended by striking out "or any other person" in the fifth line. s. 5 (5),  
amended

3. Subsection 5 of section 10 of the said Act is repealed. s. 10 (5),  
repealed

4. Subsection 4 of section 118 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 168, section 3, is repealed and the following substituted therefor: s. 118 (4),  
re-enacted

(4) The members of such boards of education shall hold office for a three year term and until their successors are elected or appointed and a new board organized. Term of  
office

s. 125 (2),  
re-enacted

- 5.** Subsection 2 of section 125 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 89, section 3, is repealed and the following substituted therefor:

Separate  
school  
repre-  
sentatives

(2) The members of the School Board appointed by the Metropolitan Separate School Board shall hold office for three years and until their successors are appointed

Commence-  
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*.

SECTION 5. This amendment is complementary to section 1 of the Bill.







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An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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MR. EPP

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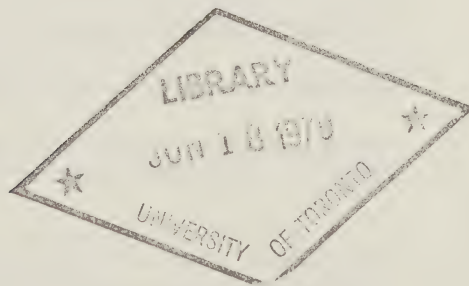
*(Private Member's Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to provide for Disclosure of Non-Resident  
Investment in Agricultural Land in Ontario

MR. RIDDELL



#### EXPLANATORY NOTE

The purpose of the Bill is to establish a means of ascertaining the nature and extent of non-resident ownership of agricultural land in Ontario. The Bill requires every non-resident person, as defined in the Act, to submit a report to the Minister of Agriculture and Food concerning each purchase of agricultural land. The Bill also requires land registrars in Ontario to inform the Minister about every conveyance of agricultural land registered by the land registrar that bears an affidavit indicating that the transferee is a non-resident person. The Minister must report to the Legislative Assembly on an annual basis concerning the nature and extent of non-resident ownership of agricultural land and the report is then referred to a standing committee of the Assembly for consideration.

BILL 107

1979

**An Act to provide for  
Disclosure of Non-Resident Investment  
in Agricultural Land in Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "agricultural land" means land that,

(i) under a by-law passed under section 35 of *The Planning Act*, or under an order made under section 32 of that Act, is zoned for agricultural use, or

R.S.O. 1970,  
c. 349

(ii) is assessed under *The Assessment Act*, or is actually used as farm or agricultural land, woodlands or an orchard;

R.S.O. 1970,  
c. 32

(b) "conveyance" includes any instrument or writing by which land is conveyed and includes a final order of foreclosure under any mortgage or charge affecting land;

(c) "Minister" means the Minister of Agriculture and Food;

(d) "non-resident corporation" means a corporation incorporated, formed or otherwise organized in Canada or elsewhere,

(i) that has issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to one or more non-resident persons,

(ii) that has issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders to any one non-resident person,

- (iii) one-half or more of the directors of which are individuals who are non-resident persons,
- (iv) where the corporation is without share capital, one-half or more of the members of which are non-resident persons, or
- (v) that is controlled directly or indirectly by one or more non-resident persons;

(e) "non-resident person" means,

- (i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor a person who has been lawfully admitted to Canada for permanent residence in Canada,
- (ii) a non-resident corporation,
- (iii) a partnership, syndicate, association or other organization of which one-half or more of the members are non-resident persons or in which interests representing 50 per cent or more of the total value of the property of the partnership, syndicate, association or organization is beneficially owned by non-resident persons, or
- (iv) a trust in which non-resident persons hold 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom.

Duty to  
report

**2.—(1)** Every non-resident person who acquires an interest in agricultural land situated in Ontario shall submit to the Minister not later than ninety days after the date on which the interest is conveyed to the person a report concerning the acquisition.

Contents of  
report

(2) A report referred to in subsection 1 shall set forth the following information:

1. the name and address of the non-resident person;
2. where the non-resident person is an individual, the citizenship of the non-resident person;
3. where the non-resident person is not an individual, the nature of the legal entity holding the interest, the country in which the non-resident person is incorporated or organized and the principal place of business of the non-resident person;

4. the type of interest in agricultural land which the non-resident person acquired or transferred;
5. the legal description and acreage of the agricultural land;
6. the purchase price paid for, or any other consideration given for, the interest;
7. the purposes for which the non-resident person intends to use the agricultural land; and
8. such other information as the Minister, by regulation, may require.

(3) Any person who, subsequent to acquiring an interest in agricultural land, becomes a non-resident person shall submit a report to the Minister not later than ninety days after the day on which the person becomes a non-resident person setting forth the information required by subsection 2.

Where person subsequently becomes non-resident

**3.** Every land registrar shall report to the Minister, in a manner to be determined by the Minister, concerning each conveyance of agricultural land registered by the land registrar to which is attached an affidavit as to residence under *The Land Transfer Tax Act, 1974* stating that the transferee to whom the land is being conveyed is a non-resident person or the trustee for a non-resident person.

Report by land registrar 1974, c. 8

**4.** Every report submitted to the Minister under section 2 or section 3 shall be made available for examination by members of the public during reasonable office hours at the head office of the Ministry of Agriculture and Food.

Public examination

**5.—(1)** Every person who, knowingly,

Offence

(a) fails to make a report required by section 2; or

(b) furnishes false information in a report required by this Act,

and every director or officer of a corporation who knowingly concurs in such contravention or failure, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Corporation



Report

**6.** The Minister shall submit an annual report to the Lieutenant Governor in Council concerning the nature and extent of non-resident ownership of agricultural land in Ontario and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to a standing committee of the Assembly.

Regulations

**7.** The Lieutenant Governor in Council may make regulations,

(a) requiring additional information to be provided in a report under section 2;

(b) prescribing forms and providing for their use.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** The short title of this Act is *The Agricultural Investment Disclosure Act, 1979*.



An Act to provide for Disclosure of  
Non-Resident Investment in Agricultural  
Land in Ontario

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*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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MR. RIDDELL

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*(Private Member's Bill)*

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BILL 108

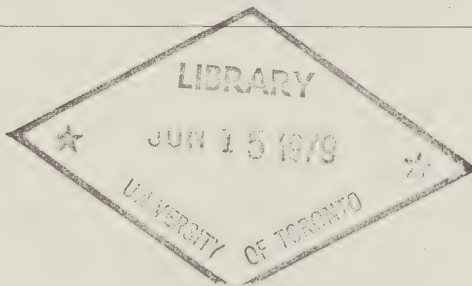
Government Bill

3RD SESSION, 31ST LEGISLATURE, } ONTARIO  
28 ELIZABETH II, 1979 ✓

*planned before assembly*  
11

An Act to amend  
The Public Accountancy Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

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#### EXPLANATORY NOTE

The present section provides for a \$25 maximum on fees. This maximum has remained unchanged since the Act was first passed in 1950.

The amendment permits the Council to set the fee subject to the approval of the Lieutenant Governor in Council.

BILL 108

1979

**An Act to amend  
The Public Accountancy Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Accountancy Act*, being chapter 373 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 17,  
re-enacted

17. Subject to the approval of the Lieutenant Governor in Fees  
Council, the Council may make regulations requiring the payment of fees for the grant or renewal of licences and prescribing the amounts thereof.

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Public Accountancy Amendment Act, 1979*. Short title

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BILL 108

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An Act to amend  
The Public Accountancy Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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(*Government Bill*)

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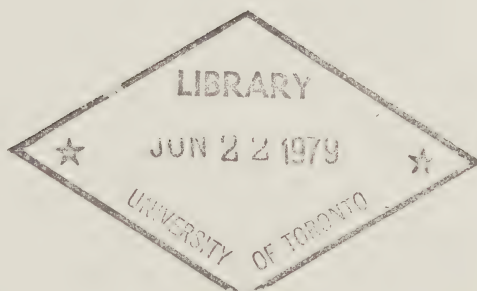
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BILL 108

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend  
The Public Accountancy Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

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BILL 108

1979

**An Act to amend  
The Public Accountancy Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Accountancy Act*, being chapter 373 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 

s. 17,  
re-enacted

17. Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations requiring the payment of fees for the grant or renewal of licences and prescribing the amounts thereof. Fees
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Public Accountancy Amendment Act, 1979*. Short title

An Act to amend  
The Public Accountancy Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

June 12th, 1979

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THE HON. R. MCMURTRY  
Attorney General

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3  
17 BILL 109

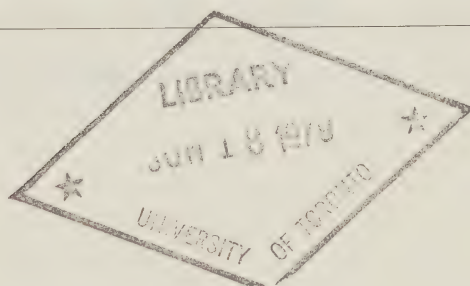
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Regulation*

An Act to amend The Evidence Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

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#### EXPLANATORY NOTE

The amendment permits the use of official translation of statutes in French language proceedings.

BILL 109

1979

## An Act to amend The Evidence Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Evidence Act*, being chapter 151 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 

s. 26,  
amended
- (2) Copies of the statutes of Ontario that are translated into the French language and that purport to be published by the Ministry of the Attorney General and printed by the Queen's Printer shall be admitted in evidence to prove the contents thereof but, in the event of a conflict between the version published under *The Statutes Act* and the French language translation, the version published under *The Statutes Act* shall prevail.
 

Copies of  
French  
translation  
  
R.S.O. 1970,  
c. 446
2. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
3. The short title of this Act is *The Evidence Amendment Act, 1979*.
 

Short title



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BILL 109

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An Act to amend  
The Evidence Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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*(Government Bill)*

2  
BILL 109

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Evidence Act

THE HON. R. MCMURTRY  
Attorney General





BILL 109

1979

## An Act to amend The Evidence Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Evidence Act*, being chapter 151 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
 

(2) Copies of the statutes of Ontario that are translated into the French language and that purport to be published by the Ministry of the Attorney General and printed by the Queen's Printer shall be admitted in evidence to prove the contents thereof but, in the event of a conflict between the version published under *The Statutes Act* and the French language translation, the version published under *The Statutes Act* shall prevail.

s. 26,  
amended  
  
 Copies of  
French  
translation  
  
 R.S.O. 1970,  
c. 446
2. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
3. The short title of this Act is *The Evidence Amendment Act, 1979*.
 

Short title

Bill 107  
An Act to amend  
The Evidence Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

June 12th, 1979

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THE HON. R. MCMURTRY  
Attorney General

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Government  
Publications

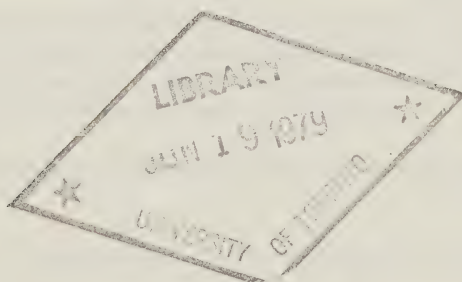
77 BILL 110

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend  
The Administration of Justice Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The clause added authorizes the fees payable in court proceedings to be fixed by regulation made by the Lieutenant Governor in Council. These are now fixed under the rules made by the rule-making body for each court.

SECTIONS 2, 3 AND 4. The amendments are complementary to section 1 and delete the fixing of fees under the rules of the various courts. This Bill is complemented by section 6 (6) of a Bill entitled *An Act to amend The Judicature Act* which deletes the fixing of fees by the rules of the Supreme Court.



BILL 110

1979

## An Act to amend The Administration of Justice Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Administration of Justice Act*, being chapter 6 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 8, section 2, is further amended by adding thereto the following clause:
 

(ba) requiring the payment of fees in respect of proceedings in any court and prescribing the amounts thereof.
2. Clause *b* of section 40 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 94,  
s. 40 (*b*),  
repealed
3. Clause *b* of section 10 of *The General Sessions Act*, being chapter 191 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 191,  
s. 10 (*b*),  
repealed
4. Clause *b* of section 79 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by striking out "all fees payable to the Crown, the judge, the registrar, and other officers of the court, and" in the first, second and third lines. R.S.O. 1970,  
c. 451,  
s. 79 (*b*),  
amended
5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
6. The short title of this Act is *The Administration of Justice Amendment Act, 1979*. Short title

An Act to amend  
The Administration of Justice Act

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

THE HON. R. MCMURTRY  
Attorney General

*(Government Bill)*

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Government  
Publications

**BILL 110**

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

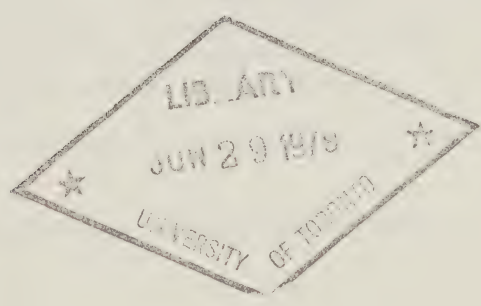
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**An Act to amend  
The Administration of Justice Act**

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THE HON. R. MCMURTRY  
Attorney General

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BILL 110

1979

## An Act to amend The Administration of Justice Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Administration of Justice Act*, being chapter 6 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 8, section 2, is further amended by adding thereto the following clause:
 

(ba) requiring the payment of fees in respect of proceedings in any court and prescribing the amounts thereof.
2. Clause *b* of section 40 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 94,  
s. 40 (b),  
repealed
3. Clause *b* of section 10 of *The General Sessions Act*, being chapter 191 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,  
c. 191,  
s. 10 (b),  
repealed
4. Clause *b* of section 79 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by striking out "all fees payable to the Crown, the judge, the registrar, and other officers of the court, and" in the first, second and third lines. R.S.O. 1970,  
c. 451,  
s. 79 (b),  
amended
5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
6. The short title of this Act is *The Administration of Justice Amendment Act, 1979*. Short title

An Act to amend  
The Administration of Justice Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

June 12th, 1979

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THE HON. R. MCMURTRY  
Attorney General

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BILL 111

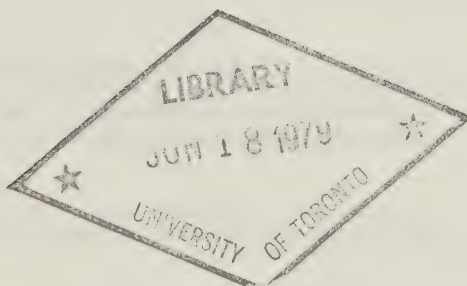
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend The Judicature Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The amendment includes the associate chief justices in the definition of "judge" which would read as follows:

*(k) "judge" includes a chief justice, an associate chief justice, an ex officio judge and a supernumerary judge.*

SECTION 2. The amendments delete any special place in rank and precedence for supernumerary judges, who will rank among "other judges".

SECTION 3. The provision amended provides for judges who leave office to retain their capacity to dispose of unfinished cases. The amendment removes reference to the retaining of this capacity by those who leave office and become supernumerary judges, as unnecessary.

SECTION 4. The amendment makes provision for interest payable on judgments based upon the prime rate, parallel to the provision for prejudgment interest enacted in 1977 as section 38.

## An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 1, is amended by inserting after "justice" in the first line "an associate chief justice". s. 1 (*k*),  
amended
- 2.—(1) Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 159, section 3 and 1977, chapter 45, section 3, is repealed and the following substituted therefor: s. 8 (3),  
re-enacted

(3) The justices of appeal and the other judges have rank and precedence after the Associate Chief Justice of the High Court, and among themselves according to seniority of appointment. Rank and  
precedence
- (2) Subsection 4 of the said section 8, as enacted by the Statutes of Ontario, 1972, chapter 159, section 3, is repealed. s. 8 (4),  
repealed
3. Subsection 1 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 4, is amended by striking out "or elects to hold office only as a supernumerary judge" in the second and third lines. s. 11 (1),  
amended
- 4.—(1) Section 40 of the said Act is repealed and the following substituted therefor: s. 40,  
re-enacted

40.—(1) A verdict or judgment bears interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, at the prime rate established in the same manner as for the purposes of section 38, notwithstanding that the entry of judgment has been suspended by a proceeding in the action, including an appeal. Interest  
on  
judgments

(2) The judge may, where he considers it to be just to do so in all the circumstances, Discretion  
of judge

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate;
- (c) fix a date other than the date of judgment from which interest is to run,

in respect of the whole or any part of the amount for which judgment is given.

Application  
of section

- (2) This section does not apply to a verdict rendered or judgment given before this section comes into force.

s. 48,  
amended

**5.** Section 48 of the said Act is amended by adding thereto the following subsection:

Judge  
sitting  
singly

(1a) A proceeding in the Divisional Court may be heard, determined and disposed of by a judge of the Divisional Court sitting singly where the proceeding,

(a) is an appeal under clause *f* of subsection 1 of section 17;  
or

(b) is in a matter that the judge is satisfied, from the nature of the issues involved and the necessity for expedition, can and ought to be heard by a judge sitting singly.

s. 114 (1) (a),  
re-enacted

**6.—(1)** Clause *a* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

(a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario, the Associate Chief Justice of the High Court and four other judges of the Supreme Court to be appointed by the Chief Justice of Ontario.

s. 114 (1),  
amended

- (2) Subsection 1 of the said section 114, as amended by the Statutes of Ontario, 1975, chapter 30, section 6, is further amended by adding thereto the following clause:

(ea) the Registrar of the Supreme Court.

s. 114,  
amended

- (3) The said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following subsection:

Idem

(2a) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to act as chairman from time to time as set out in the appointment.

SECTION 5. The new provision provides for Divisional Court to sit as a single judge in the cases set out in clauses *a* and *b*.

SECTION 6.—Subsection 1. The amendment adds the associate chief justices to the Rules Committee and reduces the judges on the Rules Committee by one.

Subsection 2. The Registrar of the Supreme Court is added to the Rules Committee as a member.

Subsection 3. The new provision permits the Chief Justice of Ontario to substitute an associate chief justice in his place as chairman of the Rules Committee, upon appointment made by him jointly with the Chief Justice of the High Court.

Subsection 4. The section repealed makes the Registrar of the Supreme Court, *ex officio*, the secretary of the Rules Committee. The repeal permits the Secretary to be any person arranged by the Committee.

Subsection 5. The amendment would permit the rate of interest to be applied in determining the capitalized value of an award in respect of future damages to be fixed by the Rules and of uniform application.

Subsection 6. The clause repealed provides for the fees payable to the Crown in respect of court proceedings to be fixed by the Rules. The repeal is complementary to a Bill entitled *An Act to amend The Administration of Justice Act* by which all such fees in all the courts would be fixed by regulation of the Lieutenant Governor in Council under that Act.

(4) Subsection 3 of the said section 114 is repealed.

s. 114 (3),  
repealed

(5) Subsection 10 of the said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following clause:

s. 114 (10),  
amended

(ba) prescribing the rate of interest to be used in determining the capitalized value of an award in respect of future damages.

(6) Clause *h* of subsection 10 of the said section 114 is repealed.

s. 114 (10) (*h*),  
repealed

7.—(1) This Act, except subsection 6 of section 6, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Subsection 6 of section 6 comes into force on a day to be named by proclamation of the Lieutenant Governor.

*Idem*

8. The short title of this Act is *The Judicature Amendment Act, 1979*.

Short title

# BILL III

---

An Act to amend  
The Judicature Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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*(Government Bill)*

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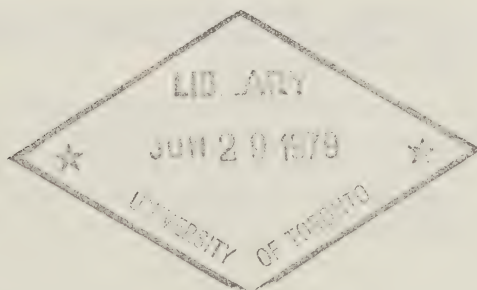


3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979  
Regulation of the House

An Act to amend The Judicature Act

THE HON. R. MCMURTRY  
Attorney General

*(Reprinted as amended by the Committee of the Whole House)*



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1. The amendment includes the associate chief justices in the definition of "judge" which would read as follows:

(k) *"judge" includes a chief justice, an associate chief justice, an ex officio judge and a supernumerary judge.*

SECTION 2. The amendments delete any special place in rank and precedence for supernumerary judges, who will rank among "other judges".

SECTION 3. The provision amended provides for judges who leave office to retain their capacity to dispose of unfinished cases. The amendment removes reference to the retaining of this capacity by those who leave office and become supernumerary judges, as unnecessary.

SECTION 4. The amendment makes provision for interest payable on judgments based upon the prime rate, parallel to the provision for prejudgment interest enacted in 1977 as section 38.

BILL 111

1979

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 1, is amended by inserting after “justice” in the first line “an associate chief justice”. s. 1 (*k*),  
amended
- 2.—(1) Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 159, section 3 and 1977, chapter 45, section 3, is repealed and the following substituted therefor: s. 8 (3),  
re-enacted

(3) The justices of appeal and the other judges have rank and precedence after the Associate Chief Justice of the High Court, and among themselves according to seniority of appointment. Rank and  
precedence

(2) Subsection 4 of the said section 8, as enacted by the Statutes of Ontario, 1972, chapter 159, section 3, is repealed. s. 8 (4),  
repealed
3. Subsection 1 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 4, is amended by striking out “or elects to hold office only as a supernumerary judge” in the second and third lines. s. 11 (1),  
amended
- 4.—(1) Section 40 of the said Act is repealed and the following substituted therefor: s. 40,  
re-enacted

40.—(1) A verdict or judgment bears interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, at the prime rate established in the same manner as for the purposes of section 38, notwithstanding that the entry of judgment has been suspended by a proceeding in the action, including an appeal. Interest  
on  
judgments

(2) The judge may, where he considers it to be just to do so in all the circumstances, Discretion  
of judge

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate;
- (c) fix a date other than the date of judgment from which interest is to run,

in respect of the whole or any part of the amount for which judgment is given.

Application  
of section

- (2) This section does not apply to a verdict rendered or judgment given before this section comes into force.

s. 48,  
amended

- 5. Section 48 of the said Act is amended by adding thereto the following subsection:

Judge  
sitting  
singly

(1a) A proceeding in the Divisional Court may be heard, determined and disposed of by a judge of the Divisional Court sitting singly where the proceeding,

- (a) is an appeal under clause *f* of subsection 1 of section 17; or

- (b) is in a matter that the Chief Justice of the High Court or a judge designated by him is satisfied, from the nature of the issues involved and the necessity for expedition, can and ought to be heard by a judge sitting singly.

s. 114 (1) (a),  
re-enacted

- 6.—(1) Clause *a* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

- (a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario, the Associate Chief Justice of the High Court and four other judges of the Supreme Court to be appointed by the Chief Justice of Ontario.

s. 114 (1),  
amended

- (2) Subsection 1 of the said section 114, as amended by the Statutes of Ontario, 1975, chapter 30, section 6, is further amended by adding thereto the following clause:

- (ea) the Registrar of the Supreme Court.

s. 114,  
amended

- (3) The said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following subsection:

Idem

(2a) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to act as chairman from time to time as set out in the appointment.

SECTION 5. The new provision provides for Divisional Court to sit as a single judge in the cases set out in clauses *a* and *b*.

SECTION 6.—Subsection 1. The amendment adds the associate chief justices to the Rules Committee and reduces the judges on the Rules Committee by one.

Subsection 2. The Registrar of the Supreme Court is added to the Rules Committee as a member.

Subsection 3. The new provision permits the Chief Justice of Ontario to substitute an associate chief justice in his place as chairman of the Rules Committee, upon appointment made by him jointly with the Chief Justice of the High Court.

Subsection 4. The section repealed makes the Registrar of the Supreme Court, *ex officio*, the secretary of the Rules Committee. The repeal permits the Secretary to be any person arranged by the Committee.

Subsection 5. The amendment would permit the rate of interest to be applied in determining the capitalized value of an award in respect of future damages to be fixed by the Rules and of uniform application.

Subsection 6. The clause repealed provides for the fees payable to the Crown in respect of court proceedings to be fixed by the Rules. The repeal is complementary to a Bill entitled *An Act to amend The Administration of Justice Act* by which all such fees in all the courts would be fixed by regulation of the Lieutenant Governor in Council under that Act.

(4) Subsection 3 of the said section 114 is repealed. s. 114 (3),  
repealed

(5) Subsection 10 of the said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following clause: s. 114 (10),  
amended

(ba) prescribing the rate of interest to be used in determining the capitalized value of an award in respect of future damages.

(6) Clause *h* of subsection 10 of the said section 114 is repealed. s. 114 (10) (*h*),  
repealed

**7.**—(1) This Act, except subsection 6 of section 6, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsection 6 of section 6 comes into force on a day to be named Idem  
by proclamation of the Lieutenant Governor.

**8.** The short title of this Act is *The Judicature Amendment Act, 1979*. Short title



# BILL 111

---

An Act to amend  
The Judicature Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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*(Reprinted as amended by the  
Committee of the Whole House)*

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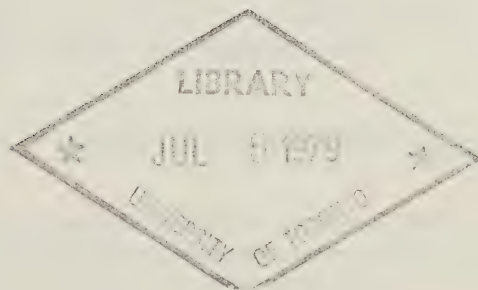
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BILL 111

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

Legislative Assembly of Ontario

An Act to amend The Judicature Act

THE HON. R. McMURTRY  
Attorney General





BILL 111

1979

## An Act to amend The Judicature Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 1, is amended by inserting after "justice" in the first line "an associate chief justice". s. 1 (*k*),  
amended
- 2.—(1) Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 159, section 3 and 1977, chapter 45, section 3, is repealed and the following substituted therefor: s. 8 (3),  
re-enacted

(3) The justices of appeal and the other judges have rank and precedence after the Associate Chief Justice of the High Court, and among themselves according to seniority of appointment. Rank and  
precedence

(2) Subsection 4 of the said section 8, as enacted by the Statutes of Ontario, 1972, chapter 159, section 3, is repealed. s. 8 (4),  
repealed
3. Subsection 1 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 4, is amended by striking out "or elects to hold office only as a supernumerary judge" in the second and third lines. s. 11 (1),  
amended
- 4.—(1) Section 40 of the said Act is repealed and the following substituted therefor: s. 40,  
re-enacted

40.—(1) A verdict or judgment bears interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, at the prime rate established in the same manner as for the purposes of section 38, notwithstanding that the entry of judgment has been suspended by a proceeding in the action, including an appeal. Interest  
on  
judgments

(2) The judge may, where he considers it to be just to do so in all the circumstances, Discretion  
of judge

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate;
- (c) fix a date other than the date of judgment from which interest is to run,

in respect of the whole or any part of the amount for which judgment is given.

Application  
of section

- (2) This section does not apply to a verdict rendered or judgment given before this section comes into force.

s. 48,  
amended

- 5.** Section 48 of the said Act is amended by adding thereto the following subsection:

Judge  
sitting  
singly

(1a) A proceeding in the Divisional Court may be heard, determined and disposed of by a judge of the Divisional Court sitting singly where the proceeding,

- (a) is an appeal under clause *f* of subsection 1 of section 17; or
- (b) is in a matter that the Chief Justice of the High Court or a judge designated by him is satisfied, from the nature of the issues involved and the necessity for expedition, can and ought to be heard by a judge sitting singly.

s. 114 (1) (a),  
re-enacted

- 6.—(1)** Clause *a* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

(a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario, the Associate Chief Justice of the High Court and four other judges of the Supreme Court to be appointed by the Chief Justice of Ontario.

s. 114 (1),  
amended

- (2) Subsection 1 of the said section 114, as amended by the Statutes of Ontario, 1975, chapter 30, section 6, is further amended by adding thereto the following clause:

(ea) the Registrar of the Supreme Court.

s. 114,  
amended

- (3) The said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following subsection:

Idem

(2a) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to act as chairman from time to time as set out in the appointment.

- (4) Subsection 3 of the said section 114 is repealed. s. 114 (3),  
repealed
- (5) Subsection 10 of the said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following clause: s. 114 (10),  
amended
- (ba) prescribing the rate of interest to be used in determining the capitalized value of an award in respect of future damages.
- (6) Clause *h* of subsection 10 of the said section 114 is repealed. s. 114 (10) (*h*),  
repealed
- 7.**—(1) This Act, except subsection 6 of section 6, comes into force on the day it receives Royal Assent. Commence-  
ment
- (2) Subsection 6 of section 6 comes into force on a day to be named Idem  
by proclamation of the Lieutenant Governor.
- 8.** The short title of this Act is *The Judicature Amendment Act, 1979*. Short title







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## BILL 111

---

An Act to amend  
The Judicature Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

June 18th, 1979

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THE HON. R. MCMURTRY  
Attorney General

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BILL 112

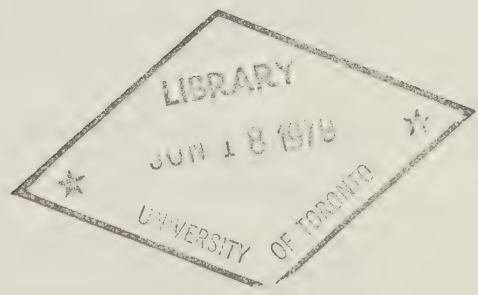
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend The County Judges Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EPLANATORY NOTE

The amendments remove the term "junior judge" from the Act and related Acts.

BILL 112

1979

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County Judges Act*, being chapter 95 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 2,  
amended

(2) Where another judge is appointed in accordance with section 3 or 4 for a county court or a district court or is designated under section 4 to reside in the jurisdiction of the court, the judge appointed for the court in accordance with subsection 1 shall be known as the senior judge of the court. Senior  
judge

2. Section 3 of the said Act is amended, s. 3,  
amended

- (a) in subsection 1, as amended by the Statutes of Ontario, 1973, chapter 136, section 1, by striking out "A junior" in the first line and inserting in lieu thereof "An additional";
- (b) in subsection 2, as amended by the Statutes of Ontario, 1971, chapter 4, section 1, by striking out "junior" in the first line and inserting in lieu thereof "additional";
- (c) in subsection 3, as amended by the Statutes of Ontario, 1971, chapter 4, section 1, by striking out "junior" in the first line and inserting in lieu thereof "additional"; and
- (d) in subsection 4, by striking out "junior" in the first line and inserting in lieu thereof "additional".

3. Section 4 of the said Act is amended, s. 4,  
amended

- (a) in subsection 1, as amended by the Statutes of Ontario, 1972, chapter 86, section 1,
  - (i) by striking out "junior" in the second line, and

(ii) by striking out “or junior judges” in the amendment of 1972; and

(b) in subsection 2, by striking out “or junior judge” in the first line.

s. 4a,  
amended

4. Section 4a of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 15, section 1, is amended,

(a) in subsection 1, by striking out “or junior judge” in the first line and in the fourth line; and

(b) in subsection 2, by striking out “or junior judge” in the second line.

s. 5 (2),  
amended

5. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 44, section 2, is amended by striking out “junior judges” in the second and third lines.

s. 6,  
re-enacted

6. Section 6 of the said Act is repealed and the following substituted therefor:

Supervision  
by senior  
judge

6. The senior judge of a county or district court may regulate and supervise the other judges of the court in the exercise of their authority.

s. 7,  
amended

7. Section 7 of the said Act is amended by striking out “or junior judge” in the first line.

s. 10,  
amended

8. Section 10 of the said Act is amended by striking out “and junior judge” in the first line.

s. 12,  
amended

9. Section 12 of the said Act is amended by striking out “the judge or a junior judge” in the first line and inserting in lieu thereof “a judge”.

s. 13 (2),  
amended

10. Subsection 2 of section 13 of the said Act is amended by striking out “in his absence, of the junior judge or” in the second line and inserting in lieu thereof “senior judge or, if the senior judge is absent, of the other”.

s. 15,  
amended

11. Section 15 of the said Act is amended,

(a) in subsection 5, by striking out “and junior judges” in the third and fourth lines;

(b) in subsection 6, by striking out “and junior judges” in the first line and in the eighth line;

(c) in subsection 7, by striking out “or junior judge” in the seventh line; and

(d) in subsection 8, by striking out “and junior judges” in the fifth line.

**12.** Section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 136, section 4, is amended, s. 16,  
amended

(a) in subsection 1, by striking out “or junior judge” in the first line; and

(b) in subsection 2, by striking out “or junior judge” in the first line.

**13.** A reference in any Act or regulation to a junior judge of a county or district court shall be deemed to be a reference to a judge of the court. Other  
references

#### COMPLEMENTARY AMENDMENTS

**14.** Subsection 1 of section 1 of *The County Court Judges' Criminal Courts Act*, being chapter 93 of the Revised Statutes of Ontario, 1970, is amended by striking out “The judge of every county court or district court or a junior judge thereof” in the first and second lines and inserting in lieu thereof “A judge of a county court or district court”. R.S.O. 1970,  
c. 93, s. 1 (1),  
amended

**15.—**(1) Section 3 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is amended by striking out “or a junior judge” in the second line. R.S.O. 1970,  
c. 94, s. 3,  
amended

(2) Section 12 of the said Act is amended by striking out “judge and the junior” in the first line. s. 12,  
amended

**16.** Section 7 of *The General Sessions Act*, being chapter 191 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 191, s. 7,  
amended

(a) by striking out “The” where it appears the first time in the first line and inserting in lieu thereof “A”; and

(b) by striking out “or a junior” in the second line.

**17.—**(1) Subclause ii of clause h of subsection 1 of section 1 of *The Small Claims Courts Act*, being chapter 439 of the Revised Statutes of Ontario, 1970, is amended by striking out “the judge or a junior” and inserting in lieu thereof “a”. R.S.O. 1970,  
c. 439,  
s. 1 (1) (h) (ii),  
amended

(2) Subsection 2 of section 1 of the said Act is repealed. s. 1 (2),  
repealed



R.S.O. 1970,  
c. 451, s. 4,  
amended

- 18.—**(1) Section 4 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by striking out “or a junior judge” in the third and fourth lines.

s. 8 (1),  
re-enacted

- (2) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Appointment  
of judges

- (1) The Lieutenant Governor in Council shall appoint as many judges of the surrogate courts as the Lieutenant Governor in Council considers necessary and may designate one of the judges of a surrogate court as the senior judge of the court.

Term of  
office

- (1a) Every judge of a surrogate court shall hold office during good behaviour and may be removed from office by the Lieutenant Governor in Council for inability, incapacity or misbehaviour established to the satisfaction of the Lieutenant Governor in Council.

s. 8 (2),  
amended

- (3) Subsection 2 of section 8 of the said Act is amended by striking out “or junior judge” in the second line.

s. 8 (3),  
amended

- (4) Subsection 3 of section 8 of the said Act is amended,

(a) by striking out “the judge or junior judge” in the first line and inserting in lieu thereof “a judge”; and

(b) by striking out “or junior judge” in the second line.

s. 9 (1, 2),  
re-enacted

- (5) Subsections 1 and 2 of section 9 of the said Act are repealed and the following substituted therefor:

Acting  
judge

- (1) Where there is a vacancy in the office of a judge of a surrogate court or a judge of a surrogate court is absent or ill, any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing may, when so directed by the Attorney General, act as a judge of the surrogate court.

Acting  
judge, on  
request

- (2) Where a judge of a surrogate court requests in writing any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing to preside over the surrogate court of the judge making the request, such judge or barrister may act as judge of the surrogate court.

s. 11 (2),  
amended

- (6) Subsection 2 of section 11 of the said Act is amended by striking out “or junior judge” in the first and second lines.

s. 77 (1),  
amended

- (7) Subsection 1 of section 77 of the said Act is amended by striking out “or junior judge” in the sixth line.

- 19.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
- 20.** The short title of this Act is *The County Judges Amendment Act*, Short title  
1979.

An Act to amend  
The County Judges Act

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

THE HON. R. McMURTRY  
Attorney General

*(Government Bill)*

BILL 112

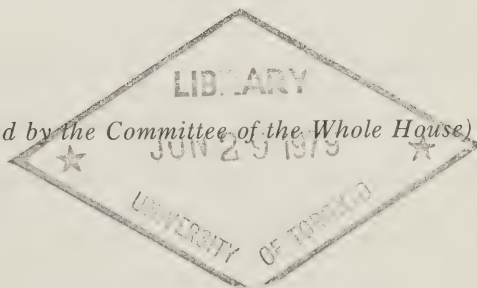
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The County Judges Act

THE HON. R. McMURTRY  
Attorney General

*(Reprinted as amended by the Committee of the Whole House)*



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The amendments remove the term “junior judge” from the Act and related Acts.

BILL 112

1979

## An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County Judges Act*, being chapter 95 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 2,  
amended

(2) Where another judge is appointed in accordance with section 3 or 4 for a county court or a district court or is designated under section 4 to reside in the jurisdiction of the court, the judge appointed for the court in accordance with subsection 1 shall be known as the senior judge of the court. Senior  
judge

2. Section 3 of the said Act is amended, s. 3,  
amended

- (a) in subsection 1, as amended by the Statutes of Ontario, 1973, chapter 136, section 1, by striking out "A junior" in the first line and inserting in lieu thereof "An additional";
- (b) in subsection 2, as amended by the Statutes of Ontario, 1971, chapter 4, section 1, by striking out "junior" in the first line and inserting in lieu thereof "additional";
- (c) in subsection 3, as amended by the Statutes of Ontario, 1971, chapter 4, section 1, by striking out "junior" in the first line and inserting in lieu thereof "additional"; and
- (d) in subsection 4, by striking out "junior" in the first line and inserting in lieu thereof "additional".

3. Section 4 of the said Act is amended, s. 4,  
amended

- (a) in subsection 1, as amended by the Statutes of Ontario, 1972, chapter 86, section 1,
  - (i) by striking out "junior" in the second line, and

(ii) by striking out “or junior judges” in the amendment of 1972; and

(b) in subsection 2, by striking out “or junior judge” in the first line.

s. 4a,  
amended

4. Section 4a of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 15, section 1, is amended,

(a) in subsection 1, by striking out “or junior judge” in the first line and in the fourth line; and

(b) in subsection 2, by striking out “or junior judge” in the second line.

s. 5 (2),  
amended

5. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 44, section 2, is amended by striking out “junior judges” in the second and third lines.

s. 6,  
re-enacted

6. Section 6 of the said Act is repealed and the following substituted therefor:

Supervision  
by senior  
judge

6. The senior judge of a county or district court may, subject to the authority of the chief judge, regulate and supervise the other judges of the court in the exercise of their authority.

s. 7,  
amended

7. Section 7 of the said Act is amended by striking out “or junior judge” in the first line.

s. 10,  
amended

8. Section 10 of the said Act is amended by striking out “and junior judge” in the first line.

s. 12,  
amended

9. Section 12 of the said Act is amended by striking out “the judge or a junior judge” in the first line and inserting in lieu thereof “a judge”.

s. 13 (2),  
amended

10. Subsection 2 of section 13 of the said Act is amended by striking out “in his absence, of the junior judge or” in the second line and inserting in lieu thereof “senior judge or, if the senior judge is absent, of the other”.

s. 15,  
amended

11. Section 15 of the said Act is amended,

(a) in subsection 5, by striking out “and junior judges” in the third and fourth lines;

(b) in subsection 6, by striking out “and junior judges” in the first line and in the eighth line;



- (c) in subsection 7, by striking out “or junior judge” in the seventh line; and
- (d) in subsection 8, by striking out “and junior judges” in the fifth line.

**12.** Section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 136, section 4, is amended, s. 16,  
amended

- (a) in subsection 1, by striking out “or junior judge” in the first line; and
- (b) in subsection 2, by striking out “or junior judge” in the first line.

**13.** A reference in any Act or regulation to a junior judge of a county or district court shall be deemed to be a reference to a judge of the court. Other  
references

#### COMPLEMENTARY AMENDMENTS

**14.** Subsection 1 of section 1 of *The County Court Judges' Criminal Courts Act*, being chapter 93 of the Revised Statutes of Ontario, 1970, is amended by striking out “The judge of every county court or district court or a junior judge thereof” in the first and second lines and inserting in lieu thereof “A judge of a county court or district court”. R.S.O. 1970,  
c. 93, s. 1 (1),  
amended

**15.—(1)** Section 3 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is amended by striking out “or a junior judge” in the second line. R.S.O. 1970,  
c. 94, s. 3,  
amended

- (2) Section 12 of the said Act is amended by striking out “judge and the junior” in the first line. s. 12,  
amended

**16.** Section 7 of *The General Sessions Act*, being chapter 191 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 191, s. 7,  
amended

- (a) by striking out “The” where it appears the first time in the first line and inserting in lieu thereof “A”; and
- (b) by striking out “or a junior” in the second line.

**17.—(1)** Subclause ii of clause *h* of subsection 1 of section 1 of *The Small Claims Courts Act*, being chapter 439 of the Revised Statutes of Ontario, 1970, is amended by striking out “the judge or a junior” and inserting in lieu thereof “a”. R.S.O. 1970,  
c. 439,  
s. 1 (1) (*h*) (ii),  
amended

- (2) Subsection 2 of section 1 of the said Act is repealed. s. 1 (2),  
repealed

R.S.O. 1970,  
c. 451, s. 4,  
amended

- 18.—**(1) Section 4 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by striking out “or a junior judge” in the third and fourth lines.

s. 8 (1),  
re-enacted

- (2) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Appointment  
of judges

- (1) The Lieutenant Governor in Council shall appoint as many judges of the surrogate courts as the Lieutenant Governor in Council considers necessary and may designate one of the judges of a surrogate court as the senior judge of the court.

Term of  
office

- (1a) Every judge of a surrogate court shall hold office during good behaviour and may be removed from office by the Lieutenant Governor in Council for inability, incapacity or misbehaviour established to the satisfaction of the Lieutenant Governor in Council.

s. 8 (2),  
amended

- (3) Subsection 2 of section 8 of the said Act is amended by striking out “or junior judge” in the second line.

s. 8 (3),  
amended

- (4) Subsection 3 of section 8 of the said Act is amended,

(a) by striking out “the judge or junior judge” in the first line and inserting in lieu thereof “a judge”; and

(b) by striking out “or junior judge” in the second line.

s. 9 (1, 2),  
re-enacted

- (5) Subsections 1 and 2 of section 9 of the said Act are repealed and the following substituted therefor:

Acting  
judge

- (1) Where there is a vacancy in the office of a judge of a surrogate court or a judge of a surrogate court is absent or ill, any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing may, when so directed by the Attorney General, act as a judge of the surrogate court.

Acting  
judge, on  
request

- (2) Where a judge of a surrogate court requests in writing any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing to preside over the surrogate court of the judge making the request, such judge or barrister may act as judge of the surrogate court.

s. 11 (2),  
amended

- (6) Subsection 2 of section 11 of the said Act is amended by striking out “or junior judge” in the first and second lines.

s. 77 (1),  
amended

- (7) Subsection 1 of section 77 of the said Act is amended by striking out “or junior judge” in the sixth line.

19. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
20. The short title of this Act is *The County Judges Amendment Act*, Short title  
1979.

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An Act to amend  
The County Judges Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

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THE HON. R. MCMURTRY  
Attorney General

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*(Reprinted as amended by the  
Committee of the Whole House)*

*1241*  
*B*  
*B56*  
*7* BILL 112

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979 *Legislative Assembly*

An Act to amend The County Judges Act

THE HON. R. MCMURTRY  
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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An Act to amend  
The County Judges Act

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*1st Reading*

May 29th, 1979

*2nd Reading*

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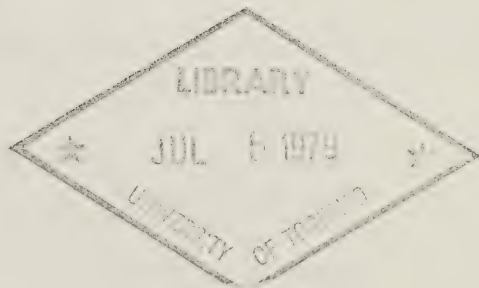
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*B*  
*B56*  
*3*  
*FF* BILL 112

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979 *Legislative Assembly*

An Act to amend The County Judges Act

THE HON. R. MCMURTRY  
Attorney General



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BILL 112

1979

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- (a) in subsection 1, as amended by the Statutes of Ontario, 1972, chapter 86, section 1,
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(ii) by striking out “or junior judges” in the amendment of 1972; and

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**4.** Section 4a of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 15, section 1, is amended,

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**5.** Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 44, section 2, is amended by striking out “junior judges” in the second and third lines.

s. 6,  
re-enacted

**6.** Section 6 of the said Act is repealed and the following substituted therefor:

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by senior  
judge

6. The senior judge of a county or district court may, subject to the authority of the chief judge, regulate and supervise the other judges of the court in the exercise of their authority.

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amended

**7.** Section 7 of the said Act is amended by striking out “or junior judge” in the first line.

s. 10,  
amended

**8.** Section 10 of the said Act is amended by striking out “and junior judge” in the first line.

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c. 439,  
s. 1 (1) (h) (ii),  
amended

(2) Subsection 2 of section 1 of the said Act is repealed. s. 1 (2),  
repealed

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- (2) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Appointment  
of judges

- (1) The Lieutenant Governor in Council shall appoint as many judges of the surrogate courts as the Lieutenant Governor in Council considers necessary and may designate one of the judges of a surrogate court as the senior judge of the court.

Term of  
office

- (1a) Every judge of a surrogate court shall hold office during good behaviour and may be removed from office by the Lieutenant Governor in Council for inability, incapacity or misbehaviour established to the satisfaction of the Lieutenant Governor in Council.

s. 8 (2),  
amended

- (3) Subsection 2 of section 8 of the said Act is amended by striking out “or junior judge” in the second line.

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- (5) Subsections 1 and 2 of section 9 of the said Act are repealed and the following substituted therefor:

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judge

- (1) Where there is a vacancy in the office of a judge of a surrogate court or a judge of a surrogate court is absent or ill, any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing may, when so directed by the Attorney General, act as a judge of the surrogate court.

Acting  
judge, on  
request

- (2) Where a judge of a surrogate court requests in writing any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing to preside over the surrogate court of the judge making the request, such judge or barrister may act as judge of the surrogate court.

s. 11 (2),  
amended

- (6) Subsection 2 of section 11 of the said Act is amended by striking out “or junior judge” in the first and second lines.

s. 77 (1),  
amended

- (7) Subsection 1 of section 77 of the said Act is amended by striking out “or junior judge” in the sixth line.

- 19.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
- 20.** The short title of this Act is *The County Judges Amendment Act, 1979*. Short title

An Act to amend  
The County Judges Act

---

*1st Reading*

May 29th, 1979

*2nd Reading*

June 12th, 1979

*3rd Reading*

June 18th, 1979

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THE HON. R. MCMURTRY  
Attorney General

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3  
F  
BILL 113

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act for the establishment and conduct of a Project in  
The Municipality of Metropolitan Toronto for the development  
of improved methods of processing certain Civil Actions

THE HON. R. MCMURTRY  
Attorney General



TORONTO

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#### EXPLANATORY NOTE

The Bill would replace the small claims courts in The Municipality of Metropolitan Toronto with a Provincial Court (Civil Division) having its monetary jurisdiction extended to a maximum of \$3,000.

Extensive rule-making powers would permit the flexibility necessary to design, as a trial project, new procedures for the implementation of the extended jurisdiction.

The Bill establishes an Advisory Committee to guide reforms in procedure, and the trial project expires on January 1st, 1983.

BILL 113

1979

**An Act for the establishment and conduct of a  
Project in The Municipality of Metropolitan  
Toronto for the development of improved methods  
of processing certain Civil Actions**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “Advisory Committee” means the advisory committee established under section 8;
- (b) “judge” means a judge of the Provincial Court appointed under section 4;
- (c) “Provincial Court” means the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto;
- (d) “rules” means the rules made under or adopted by this Act.

**2.** The purpose of this Act is to enable the establishment and conduct of a project using a limited class of civil actions in The Municipality of Metropolitan Toronto for the development of simplified procedures and of methods of making civil remedies more accessible and reducing delays.

Purpose

**3.**—(1) There shall be a court of record in and for The Municipality of Metropolitan Toronto called the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto.

Provincial  
Court (Civil  
Division)  
established

(2) The Provincial Court shall be presided over by a judge of the Provincial Court appointed under section 4.

Presiding  
judges

**4.** The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such judges of the Provincial Court as are considered necessary.

Appointment  
of judges

Senior  
judge

5. The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a judge as senior judge of the Provincial Court who shall have general supervision and direction over arranging the sittings of the Provincial Court and assigning judges for hearings in the Provincial Court, as circumstances require.

Juris-  
diction  
R.S.O. 1970,  
c. 439

6.—(1) The jurisdiction of the Provincial Court shall be the same as the jurisdiction of small claims courts under *The Small Claims Courts Act* or any other Act, except that in the Provincial Court the maximum claim or value of \$1,000 set out in section 54 of *The Small Claims Courts Act* shall be \$3,000 in each instance and not as set out therein.

Application  
of R.S.O.  
1970, c. 439

(2) Except in so far as they are inconsistent with this Act or the rules, *The Small Claims Courts Act* and the rules and regulations thereunder apply in the same manner as if the Provincial Court and judges and officers thereof were small claims courts and judges and officers thereof and the proceedings in the Provincial Court were proceedings in a small claims court.

Exception

(3) Sections 13 and 104 of *The Small Claims Courts Act* do not apply where the action is for more than \$1,000.

Divisions

(4) The divisions established under *The Small Claims Courts Act* in The Municipality of Metropolitan Toronto are continued as local divisions of the Provincial Court, subject to amendment by the rules, and an office of the Provincial Court shall be maintained in each local division, and the provisions of *The Small Claims Courts Act* respecting the territorial jurisdiction of a small claims court in a division apply in respect of the office of the Provincial Court in which proceedings are commenced and the action is conducted.

References  
in other  
Acts

(5) A reference in or under any Act to a small claims court or a judge thereof shall, in respect of The Municipality of Metropolitan Toronto, be deemed to be a reference to the Provincial Court or a judge thereof.

Continuation  
of action

7.—(1) A proceeding commenced in a small claims court in The Municipality of Metropolitan Toronto before section 3 comes into force shall be continued and disposed of in the Provincial Court.

Transfer  
of actions  
from county  
court and  
Supreme  
Court

(2) Where an action that is within the jurisdiction of the Provincial Court was commenced in the county court or in the Supreme Court before section 3 came into force, and no evidence has been heard in the action, the action shall, with the consent of the parties, be transferred to the Provincial Court in the manner prescribed by the rules.

**8.**—(1) There shall be an Advisory Committee composed of seven persons of whom one shall be the Deputy Attorney General, who shall be the chairman, one shall be the senior judge of the Provincial Court or his nominee and five shall be appointed by the Attorney General, of whom one shall be a county court judge and at least two shall be members of the Law Society of Upper Canada engaged in active litigation practice. Advisory Committee

(2) The Deputy Attorney General may designate a member of the Advisory Committee who shall act as chairman during the absence of the Deputy Attorney General. Deputy chairman

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the establishment and operation of the Provincial Court and the practices and procedures therein that the Advisory Committee considers advisable or that is referred to it by the Attorney General. Duties

**9.**—(1) The Lieutenant Governor in Council may make such rules as are considered necessary and desirable for the establishment and operation of the Provincial Court and, without restricting the generality of the foregoing, may make rules, Rules

(a) on any matter in respect of which rules may be made under section 195 of *The Small Claims Courts Act* or section 114 of *The Judicature Act* but having application to the Provincial Court and matters and proceedings within its jurisdiction; R.S.O. 1970, cc. 439, 228

(b) providing for sittings of the Provincial Court to be held at places in The Municipality of Metropolitan Toronto outside the local division in which the action is commenced.

(2) Any rule made under subsection 1 may be general or particular in its application. Idem

(3) Where a rule made under subsection 1 is in conflict with a provision of any other Act or of the rules of any court, the rule shall prevail. Conflict

**10.** This Act is repealed on the 1st day of January, 1983. Repeal

**11.**—(1) This Act, except sections 3 to 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 7 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**12.** The short title of this Act is *The Provincial Court (Civil Division) Project Act, 1979*. Short title







An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions

---

*1st Reading*

May 29th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. R. McMURTRY  
Attorney General

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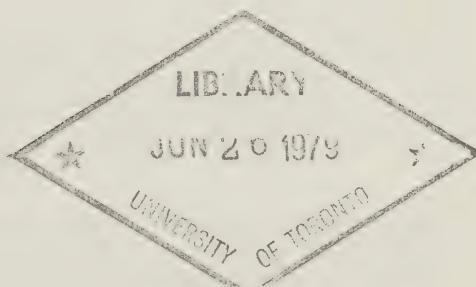
(*Government Bill*)

516  
7  
BILL 113

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979 *Legislative Assembly*

An Act for the establishment and conduct of a Project in  
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of improved methods of processing certain Civil Actions

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**3.—(1)** There shall be a court of record in and for The Municipality of Metropolitan Toronto called the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto.

Provincial  
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Presiding  
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of judges

Senior  
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5. The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a judge as senior judge of the Provincial Court who shall have general supervision and direction over arranging the sittings of the Provincial Court and assigning judges for hearings in the Provincial Court, as circumstances require.

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R.S.O. 1970,  
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court and  
Supreme  
Court

(2) Where an action that is within the jurisdiction of the Provincial Court was commenced in the county court or in the Supreme Court before section 3 came into force, and no evidence has been heard in the action, the action shall, with the consent of the parties, be transferred to the Provincial Court in the manner prescribed by the rules.

**8.**—(1) There shall be an Advisory Committee composed of seven persons of whom one shall be the Deputy Attorney General, who shall be the chairman, one shall be the senior judge of the Provincial Court or his nominee and five shall be appointed by the Attorney General, of whom one shall be a county court judge and at least two shall be members of the Law Society of Upper Canada engaged in active litigation practice. Advisory Committee

(2) The Deputy Attorney General may designate a member of the Advisory Committee who shall act as chairman during the absence of the Deputy Attorney General. Deputy chairman

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the establishment and operation of the Provincial Court and the practices and procedures therein that the Advisory Committee considers advisable or that is referred to it by the Attorney General. Duties

**9.**—(1) The Lieutenant Governor in Council may make such rules as are considered necessary and desirable for the establishment and operation of the Provincial Court and, without restricting the generality of the foregoing, may make rules, Rules

(a) on any matter in respect of which rules may be made under section 195 of *The Small Claims Courts Act* or section 114 of *The Judicature Act* but having application to the Provincial Court and matters and proceedings within its jurisdiction; R.S.O. 1970, cc. 439, 228

(b) providing for sittings of the Provincial Court to be held at places in The Municipality of Metropolitan Toronto outside the local division in which the action is commenced.

(2) Any rule made under subsection 1 may be general or particular in its application. Idem

(3) Where a rule made under subsection 1 is in conflict with a provision of any other Act or of the rules of any court, the rule shall prevail. Conflict

**10.** This Act is repealed on the 1st day of January, 1983. Repeal

**11.**—(1) This Act, except sections 3 to 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 7 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

**12.** The short title of this Act is *The Provincial Court (Civil Division) Project Act, 1979*. Short title







An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions

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*1st Reading*

May 29th, 1979

*2nd Reading*

June 18th, 1979

*3rd Reading*

June 18th, 1979

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THE HON. R. MCMURTRY  
Attorney General

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56  
BILL 114

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

**An Act to amend certain Acts  
respecting Regional Municipalities**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



## EXPLANATORY NOTES

### GENERAL

The Bill amends ten of the Acts that establish various regional municipalities and is divided into the following Parts:

- PART I — Ottawa-Carleton (ss. 1-11).
- PART II — Niagara (ss. 12-23).
- PART III — York (ss. 24-35).
- PART IV — Waterloo (ss. 36-50).
- PART V — Sudbury (ss. 51-62).
- PART VI — Peel (ss. 63-66).
- PART VII — Halton (ss. 67-70).
- PART VIII — Hamilton-Wentworth (ss. 71-75).
- PART IX — Durham (ss. 76-79).
- PART X — Haldimand-Norfolk (ss. 80-84).

The following four numbered paragraphs describe amendments that are common to all ten of the regional municipalities.

1. *Sections 6, 8, 13, 14, 15, 18, 19, 20, 22, 25, 26, 27, 30, 31, 33, 39, 40, 42, 46, 47, 49, 52, 53, 55, 56, 57, 58, 60, 65, 69, 74, 78, 83.*

The effect of the re-enactment of these subsections is to increase from 12 per cent per annum to 15 per cent per annum the maximum rate of interest that may be charged on overdue payments whether from the Regional Corporation to an area municipality or the converse.

2. *Sections 1, 12, 24, 38, 51, 63, 67, 71, 76, 80.*

In each instance section 390a is added to those sections of *The Municipal Act* made applicable to the Regional Corporation. Section 390a authorizes the procuring of liability insurance to protect members of council or of a local board while acting in their capacity as members or officers of the council or local board.

3. *Sections 9, 23, 34, 50, 61, 66, 70, 75, 79, 84.*

The following additional provisions of *The Municipal Act* are made applicable in each instance to the Regional Corporation:

1. Paragraph 24a of section 352 relating to the custody of things of historical value or interest.
2. Subparagraph ii of paragraph 112 of subsection 1 of section 354 dealing with prohibiting the parking of motor vehicles on municipal property.

In the case of the regional municipalities of Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk also made applicable is subparagraph iii of paragraph 62a of subsection 1 of section 354 dealing with maintaining and repairing sewer pipes and water pipes on condominium property.

4. *Sections 7, 21, 32, 48, 59, 64, 68, 73, 77, 82.*

The effect of the added subsection is to permit membership in credit unions.

The following amendments relate to the regional municipalities of Ottawa-Carleton, Niagara, York and Waterloo.

*Sections 3, 16, 28, 43.*

The added subsection 2 permits the Regional Council to pass by-laws for prohibiting or regulating the discharge of matter into sewers or treatment works under the jurisdiction of the Regional Corporation. Subsection 3 provides that in the event of conflict with an area municipality by-law, the Regional Council by-law prevails to the extent of the conflict.

The following amendments relate to the regional municipalities of Ottawa-Carleton and Sudbury.

*Sections 10, 62.*

Two forms are prescribed and set out in the Regional Acts; one is the oath of allegiance of the chairman and the other is the declaration of qualification of the chairman. The section added will authorize the Minister to prescribe a French-English bilingual version of these forms. The Regional Council may by by-law provide for the use of that form rather than the one set out in the Act.

The following sections of the Bill relate only to The Regional Municipality of Ottawa-Carleton:

*Section 2.*

The Regional Corporation is given the same power as local municipalities are given under *The Municipal Act* in respect of agreements with condominium corporations for the maintenance and repair of water pipes on the condominium property.

*Section 4.*

The change to metric measurement is in relation to the distance on a highway on either side of a regional road that may be governed by a traffic-regulating by-law of the Regional Council.

*Section 5.—Subsection 1.*

The number of members on the Ottawa-Carleton Regional Transit Commission is increased from five to nine.

*Subsection 2.*

Complementary to subsection 1, the quorum requirement is raised from three to five.

*Section 11.*

The two named library boards are dissolved and their assets and liabilities vested in the appropriate area municipality; thereafter the council of the area municipality will act as the library board.

The following section of the Bill applies only to The Regional Municipality of Niagara:

*Section 17.—Subsection 1.*

The re-enactment deletes the right of an area municipality to appeal to the Municipal Board if it is aggrieved by the imposition of the rate.

*Subsection 2.*

As re-enacted, the subsection requires the Municipal Board, when considering an application by the Regional Corporation for approval of the project, to disregard the method chosen by the Region to recover the costs.

*Subsection 3.*

The repealed subsection empowered the Municipal Board to direct the method by which the Region could recover the costs.

The following sections of the Bill apply only to The Regional Municipality of York:

*Section 29.*

The conversion to metric measurement is in relation to the distance from any limit of a regional road that the lands lying within which may be governed by a zoning by-law passed by the Regional Council.

*Section 35.*

The re-enactment places on The Regional Corporation all responsibility for waste disposal within the Regional Area.

The following sections of the Bill relate only to The Regional Municipality of Waterloo.

*Section 36.*

A portion of Kitchener is annexed to Waterloo and a portion of Waterloo is annexed to Kitchener.

*Section 37.*

Machinery is provided for determining membership on the Regional Council in the circumstances mentioned.

*Section 41.*

The subsections repealed empowered the Municipal Board to direct the manner in which the Regional Corporation could recover from the area municipalities the cost of sewage collection and disposal. See the Note to section 44 of the Bill.

*Section 44.*

The method or methods by which the Regional Corporation may recover from the area municipalities the cost of sewage collection are set out as well as the manner in which the area municipalities may raise the money to cover their share of the cost. The Municipal Board, when considering an application by the Regional Corporation for approval of a sewage project is to disregard the method chosen by the Region to recover the costs.

*Section 45.*

The repealed section provided for the imposition of special sewage service rates by the Regional Corporation on an area municipality. See the Note to section 44 of the Bill as to the methods by which the Regional Corporation may recover its costs.

The following section of the Bill relates to The Regional Municipality of Sudbury:

*Section 54.*

The Regional Council is the Planning Board of the Sudbury Planning Area; the provision of *The Planning Act* made not applicable reads as follows:

*(2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board.*

The following section of the Bill relates to The Regional Municipality of Hamilton-Wentworth:

*Section 72.*

The amendments affect the Regional Public Transportation System. Set out below are the subsections as proposed to be re-enacted, showing underlined the changes from the existing subsections:

*(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.*

*(7) Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.*

*(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.*



*(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.*

The following section of the Bill relates to The Regional Municipality of Haldimand-Norfolk:

*Section 81.*

The effect of the re-enactment is to make not applicable subsection 2 of section 12 of *The Planning Act*; that subsection requires a vote of the majority of all the members of the planning board to recommend a plan for adoption. See the Note to section 54 of the Bill.

BILL 114

1979

## An Act to amend certain Acts respecting Regional Municipalities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 1 of section 18 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 6, is repealed and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 390a of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 18 (1),  
re-enacted

Application of  
R.S.O. 1970,  
c. 284

2. Section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 2, is amended by adding thereto the following subsection:

s. 27,  
amended

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under *The Condominium Act, 1978* for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property.

Agreements  
with  
condominium  
corporations  
1978, c. 84

3. Section 34 of the said Act is amended by adding thereto the following subsections:

s. 34,  
amended

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional

Control of  
sewage

- R.S.O. 1970,  
c. 284
- Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.
- Conflict
- (3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force.
- s. 55b (4),  
amended
4. Subsection 4 of section 55b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".
- s. 67b (2),  
re-enacted
- 5.—(1) Subsection 2 of section 67b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed and the following substituted therefor:
- Commission members
- (2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council.
- s. 67b (3),  
re-enacted
- (2) Subsection 3 of the said section 67b is repealed and the following substituted therefor:
- Quorum
- (3) Five members of the Commission constitute a quorum.
- s. 67e (6),  
re-enacted
6. Subsection 6 of section 67e of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 7, is repealed and the following substituted therefor:
- Default
- (6) If the Regional Corporation fails to make any payment as required by subsection 5, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.
- s. 90,  
amended
7. Section 90 of the said Act is amended by adding thereto the following subsection:
- Deemed municipality for purposes of 1976, c. 62, s. 35
- (2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.
- s. 92 (16),  
re-enacted
8. Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, is repealed and the following substituted therefor:

(16) If an area municipality fails to make any payment or Default portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

9. Subsection 1 of section 124 of the said Act, as re-enacted by the s. 124 (1),  
re-enacted Statutes of Ontario, 1978, chapter 33, section 11, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, Application of  
R.S.O. 1970,  
c. 284 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354, sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

10. The said Act is amended by adding thereto the following section: s. 138a,  
enacted

138a.—(1) The Minister may by order prescribe an English and Forms in  
both English  
and French  
language French language version of any form that is prescribed by this Act.

(2) The Regional Council may by by-law provide for the use of Use of forms the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act and notwithstanding any other provision in this Act where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

11. The said Act is further amended by adding thereto the following ss. 140c, 140d,  
enacted sections:

140c.—(1) The Nepean Public Library Board is dissolved on Nepean Public  
Library Board  
dissolved the 1st day of January, 1980 and all the assets and liabilities thereof vest on such date in The Corporation of the City of Nepean.

(2) The council of the said City shall be deemed to be a public Council  
deemed board  
R.S.O. 1970,  
c. 381 library board for the purposes of *The Public Libraries Act*.

140d.—(1) The Vanier Public Library Board is dissolved on the Vanier Public  
Library Board  
dissolved 1st day of January, 1980 and all the assets and liabilities thereof vest on such date in The Corporation of the City of Vanier.

(2) The council of the said City shall be deemed to be a public Council  
deemed  
board library board for the purposes of *The Public Libraries Act*.

## PART II

## THE REGIONAL MUNICIPALITY OF NIAGARA

s. 18 (1),  
re-enacted

- 12.** Subsection 1 of section 18 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 19, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 28 (6),  
re-enacted

- 13.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 3, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),  
re-enacted

- 14.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 5, is repealed and the following substituted therefor:

Discounts  
and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),  
re-enacted

- 15.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

- 16.** Section 53 of the said Act is amended by adding thereto the following subsections:



(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of  
sewage  
  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

**17.**—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2 and amended by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (1),  
re-enacted

(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. Imposition of  
sewer rate

(2) Subsection 3 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (3),  
re-enacted

(3) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of  
O.M.B. to  
undertaking,  
etc.

(3) Subsection 4 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed. s. 54 (4),  
repealed

**18.** Subsection 2 of section 87 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 18, is repealed and the following substituted therefor: s. 87 (2),  
re-enacted

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 100 (4),  
re-enacted

- 19.** Subsection 4 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 19, is repealed and the following substituted therefor:

Default

(4) If the Regional Corporation fails to make any payment as required by subsection 3, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 114 (6),  
re-enacted

- 20.** Subsection 6 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 8, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117,  
amended

- 21.** Section 117 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 119 (16),  
re-enacted

- 22.** Subsection 16 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 158, section 5, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 154 (1),  
re-enacted

- 23.** Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 25, is repealed and the following substituted therefor:



(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, paragraph 61 and subparagraph ii of paragraph 112 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

### PART III

#### THE REGIONAL MUNICIPALITY OF YORK

- 24.** Subsection 1 of section 18 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 35, is repealed and the following substituted therefor:

s. 18 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

- 25.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 4, is repealed and the following substituted therefor:

s. 28 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

- 26.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 5, is repealed and the following substituted therefor:

s. 42 (2),  
re-enacted

(5) The Regional Corporation may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines while such default continues.

Discounts and  
penalties

- 27.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 6, is repealed and the following substituted therefor:

s. 50 (6),  
re-enacted

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,  
amended

**28.** Section 53 of the said Act is amended by adding thereto the following subsections:

Control of  
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which medietely or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,  
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force.

s. 82 (1),  
amended

**29.** Subsection 1 of section 82 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "45 metres".

s. 85 (3),  
re-enacted

**30.** Subsection 3 of section 85 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 9, is repealed and the following substituted therefor:

Default

(3) If the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 109 (6),  
re-enacted

**31.** Subsection 6 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 11, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 32.** Section 112 of the said Act is amended by adding thereto the following subsection: s. 112,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 33.** Subsection 16 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 16, is repealed and the following substituted therefor: s. 114 (16),  
re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 34.** Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 42, is repealed and the following substituted therefor: s. 149 (1),  
re-enacted

(1) Section 5, parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 35.** Section 166 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 19, is repealed and the following substituted therefor: s. 166,  
re-enacted

166.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpre-  
tation

(2) On and after the day this section comes into force, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any area municipality, any local board thereof, or any other person whomsoever, without the consent of the Regional Council. Waste  
disposal

(3) For the purposes of subsection 2, the Regional Corporation may, Powers of  
Regional  
Corporation

(a) acquire and use land;

(b) erect, maintain and operate facilities for the purposes of receiving, dumping, treating and disposing of waste;

- (c) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, a local, regional or metropolitan municipality, or a local board thereof, or any other person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land; and
- (e) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to a regional waste disposal facility.

Vesting of  
property in  
Regional  
Corporation

(4) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation.

Payment of  
outstanding  
debt

(5) The Regional Corporation shall pay to the corporation of any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection 4.

Compensation

(6) Subject to subsection 5, the Regional Corporation shall pay to the area municipality the costs incurred by it in the acquisition of and the improvements made to any such disposal site and works assumed by a by-law passed under subsection 4 and the current value of all equipment assumed therewith.

Interest on  
late payment

(7) If the Regional Corporation fails to make any payment required by subsection 5 or 6 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Approval of  
acquisition of  
land

(8) No land shall be acquired under subsection 3 and no by-law shall be passed under subsection 4 without,

- (a) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions as may be agreed upon; or
- (b) failing such approval or agreement the approval of the Municipal Board.



(9) The Municipal Board, before giving its approval under clause *b* of subsection 8, shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

Approval of  
Ontario  
Municipal  
Board

(10) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities.

How cost to  
be borne

(11) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe.

Disposal  
of sites

(12) A by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* does not apply to the Regional Corporation.

Non-  
application  
of by-laws  
under  
R.S.O. 1970,  
c. 284,  
s. 354 (1),  
par. 116

## PART IV

### THE REGIONAL MUNICIPALITY OF WATERLOO

**36.** Subsection 1*b* of section 2 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as enacted by the Statutes of Ontario, 1977, chapter 34, section 16, is repealed and the following substituted therefor:

s. 2 (1*b*),  
re-enacted

(1*b*) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Portion of  
Kitchener  
annexed to  
Waterloo

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

(1*c*) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Portion of  
Waterloo  
annexed to  
Kitchener

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Annexations  
deemed by  
Municipal  
Board orders

s. 8 (2),  
re-enacted

(1d) Subsection 3 applies with necessary modifications to the annexations provided for in subsections 1a, 1b and 1c.

- 37.** Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor:

Where  
acclamation or  
equality of  
votes

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Regional Council.

s. 19 (1),  
re-enacted

- 38.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 49, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 30 (6),  
re-enacted

- 39.** Subsection 6 of section 30 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 44 (2),  
re-enacted

- 40.** Subsection 2 of section 44 of the said Act is repealed and the following substituted therefor:

Discounts and  
Penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 51 (1a, 1b),  
repealed

- 41.** Subsections 1a and 1b of section 51 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 117, section 22, are repealed.

s. 53 (6),  
re-enacted

- 42.** Subsection 6 of section 53 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the

rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 43.** Subsection 2 of section 56 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 2, is repealed and the following substituted therefor: s. 56 (2),  
re-enacted

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of  
sewage  
  
R.S.O. 1970,  
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act* the by-law passed by the Regional Council prevails to the extent of such conflict but in all other respects the by-law of the area municipality remains in full effect and force. Conflict

- 44.** Section 57 of the said Act is repealed and the following substituted therefor: s. 57,  
re-enacted

57.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received, Recovery of  
regional  
expenditures  
re sewage and  
land drainage

- (a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;
- (b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or
- (c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.



Municipal Board not to have regard to method of recovering cost

(2) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

How area municipality may provide for payment

(3) The area municipality may,

- (a) pay the amounts chargeable to it under this section out of its general funds;
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work;
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act; or
- (d) pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Rates imposed are debt to Regional Corporation

(4) All rates imposed against an area municipality under this section are a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

s. 61, repealed

**45.** Section 61 of the said Act is repealed.

s. 89 (3), re-enacted

**46.** Subsection 3 of section 89 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the

rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 47.** Subsection 6 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (6),  
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 48.** Section 120 of the said Act is amended by adding thereto the following subsection: s. 120,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality for  
purposes of  
1976, c. 62,  
s. 35

- 49.** Subsection 16 of section 122 of the said Act is repealed and the following substituted therefor: s. 122 (16),  
re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 50.** Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 55, is repealed and the following substituted therefor: s. 158 (1),  
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

## PART V

### THE REGIONAL MUNICIPALITY OF SUDBURY

- 51.** Subsection 1 of section 19 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 62, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 29 (10),  
re-enacted

- 52.** Subsection 10 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 27, is repealed and the following substituted therefor:

Interest to be  
charged by  
area  
municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 31 (10),  
re-enacted

- 53.** Subsection 10 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date as payment is made.

s. 33,  
amended

- 54.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

R.S.O. 1970,  
c. 349,  
s. 12 (2), not  
to apply

(2a) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the Regional Council.

s. 39 (3),  
re-enacted

- 55.** Subsection 3 of section 39 of the said Act is repealed and the following substituted therefor:

Responsibility  
of Regional  
Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 49 (6),  
re-enacted

- 56.** Subsection 6 of section 49 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area

municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 57.** Subsection 3 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (3), re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 58.** Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor: s. 77 (5), re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 59.** Section 79 of the said Act is amended by adding thereto the following subsection: s. 79, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 60.** Subsection 16 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (16), re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 61.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 66, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284



s. 126a,  
enacted

- 62.** The said Act is amended by adding thereto the following section:

Forms in both  
English and  
French  
language  
Use of forms

126a.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

## PART VI

### THE REGIONAL MUNICIPALITY OF PEEL

s. 19 (1),  
re-enacted

- 63.** Subsection 1 of section 19 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 72, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of  
R.S.O. 1970,  
c. 284

- 64.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),  
re-enacted

- 65.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),  
re-enacted

- 66.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 78, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65,

66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

## PART VII

### THE REGIONAL MUNICIPALITY OF HALTON

- 67.** Subsection 1 of section 19 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor: s. 19 (1),  
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

- 68.** Section 79 of the said Act is amended by adding thereto the following subsection: s. 79,  
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed  
municipality  
for purposes of  
1976, c. 62,  
s. 35

- 69.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15),  
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 70.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 91, is repealed and the following substituted therefor: s. 115 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of  
R.S.O. 1970,  
c. 284

## PART VIII

## THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 19 (1),  
re-enacted

- 71.** Subsection 1 of section 19 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 98, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 53b (6),  
re-enacted

- 72.** Subsections 6, 7, 10 and 11 of section 53b of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 84, section 1, is repealed and the following substituted therefor:

Area municipality not to establish transportation service

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.

Public transportation service, approval of Regional Council

(7) Subject to subsection 5 of section 53h, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.

Public transportation service outside Urban Transit Area, continuation, etc., of

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

Public transportation service outside Urban Transit Area, continuation, etc., of

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.



- 73.** Section 79 of the said Act is amended by adding thereto the following subsection: s. 79, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 74.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 75.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 104, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

## PART IX

### THE REGIONAL MUNICIPALITY OF DURHAM

- 76.** Subsection 1 of section 19 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 110, is repealed and the following substituted therefor: s. 19 (1), re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- 77.** Section 87 of the said Act is amended by adding thereto the following subsection: s. 87, amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

s. 89 (15),  
re-enacted

- 78.** Subsection 15 of section 89 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 123 (1),  
re-enacted

- 79.** Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 115, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

## PART X

### THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 19 (1),  
re-enacted

- 80.** Subsection 1 of section 19 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 121, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 54 (1),  
re-enacted

- 81.** Subsection 1 of section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Planning  
area  
R.S.O. 1970,  
c. 349

(1) On and after the 1st day of April, 1974, the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act*, except subsection 2 of section 12, applies with necessary modifications to the Regional Corporation.

s. 82,  
amended

- 82.** Section 82 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection:

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed municipality for purposes of 1976, c. 62, s. 35

- 83.** Subsection 15 of section 84 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 84 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 84.** Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 126, is repealed and the following substituted therefor: s. 119 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460, section 469a and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1970, c. 284

- 85.**—(1) This Act, except sections 4, 29 and 44, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 4 and 29 shall be deemed to have come into force on the 1st day of February, 1979 Idem

(3) Section 44 shall be deemed to have come into force on the 31st day of December, 1977. Idem

- 86.** The short title of this Act is *The Regional Municipalities Amendment Act, 1979*. Short title





An Act to amend certain Acts  
respecting Regional Municipalities

*1st Reading*

May 31st, 1979

*2nd Reading*

*3rd Reading*

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

*(Government Bill)*

BILL 115

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Municipal Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





## EXPLANATORY NOTES

SECTION 1. Section 505 of *The Municipal Act* now reads as follows:

*505.—(1) Notwithstanding section 504, where taxes in a municipality on any lands in the municipality increase in any year in an amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies.*

*(2) The council of a municipality designated under subsection 1 may pass a by-law,*

*(a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property in the municipality resulting from the assessment and expenditures mentioned in subsection 1;*

*(b) which shall limit the amount of the increases exceeding \$50 in taxation mentioned in clause a in the taxes to be levied in each year during a period of not more than five years;*

*(c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause b be raised by reducing the amount of the decreases in taxation mentioned in clause a, or by charging it in whole or in part to the general funds of the municipality or by a combination of both.*

*(3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.*

*(4) The Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive.*

Section 505 provides the council of a municipality with the power to limit the effect of an increase in taxes where there has been a general change in the assessment in the municipality. Under the proposed amendment to section 505 it will no longer be necessary for the municipality to apply to the Minister to be designated as a municipality to which the section applies.

The amendment, under clause *b* of subsection 1, gives the municipality discretion to determine whether a limitation on increases in taxes will apply to each separately assessed parcel of rateable property in the municipality or only to such class or classes thereof as may be defined in the by-law. Under subclause ii of clause *c* of subsection 1, the municipality will be allowed an additional alternative for raising the amount of the reduction in taxes resulting from the limitation in the increase in taxes. Under this provision, the municipality may reduce the amount of the decrease of any one or more of the classes of rateable property defined in the by-law.

Subsections 2 and 3 of section 505 restrict the amount of an increase or decrease in taxation that may be limited or reduced and provide that the amount that may be limited or reduced decreases in each year so that an increase or decrease caused by reassessment is phased in over a period of up to five years.

Subsection 4 of section 505 gives the council of the municipality the flexibility to determine the most suitable method of applying a by-law, under this section, to the conditions that prevail in the municipality.

Subsection 5 of section 505 has the same effect as the present subsection 3.

Subsection 6 of section 505 clarifies that a business in respect of which a tax is levied on business assessment against any person is to be treated as a separately assessed parcel of rateable property under this section.

Section 505*a* replaces clause *g* of subsection 1 of section 636*a*, which is repealed by section 2 of this Bill. Section 505*a* authorizes a local municipality to pass by-laws cancelling, refunding or reducing the taxes of any person whose taxes are unduly burdensome because of an increase that has resulted from a general change in assessment in the municipality. The maximum amount of the taxes cancelled, reduced or refunded is limited to the amount by which the increase in taxes exceeds \$50 or such greater amount as may be set out in the by-law.

SECTION 2. The amendments are complementary to the enactment of section 505*a* of *The Municipal Act* as set out in section 1 of the Bill.



BILL 115

1979

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 505 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 505,  
re-enacted

505.—(1) Notwithstanding section 504, where taxes in a municipality on any rateable property in the municipality increase in any year as a result of a different assessment generally of lands in the municipality, the council of the municipality may, in that year, pass a by-law, Limiting  
increase in  
taxes follow-  
ing change in  
assessment  
basis

- (a) which shall set out the full amount of the increase or decrease in taxation that results solely from such different assessment,

(i) on each separately assessed parcel of rateable property in the municipality, or

(ii) on each separately assessed parcel of rateable property of such class or classes of rateable property as may be defined in the by-law,

where the increase or decrease exceeds the greater of the amounts determined under clauses *a* and *b* of subsection 2;

- (b) which shall, subject to subsections 2 and 3, with respect to taxes levied in each year for a period not exceeding five years, limit the amount of the increases,

(i) where the council proceeds under subclause i of clause *a*, on the separately assessed parcels of rateable property mentioned in the by-law under that subclause, or

- (ii) where the council proceeds under subclause ii of clause *a*, on the separately assessed parcels of rateable property of any one or more of the classes mentioned in the by-law under that subclause; and
- (c) which shall, subject to subsections 2 and 3, provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b* be raised within the same period as is set out in the by-law under clause *b*,
  - (i) where the council proceeds under subclause i of clause *a* by reducing the amount of the decreases on the separately assessed parcels of rateable property mentioned in the by-law under that subclause,
  - (ii) where the council proceeds under subclause ii of clause *a*, by reducing the amount of the decreases on the separately assessed parcels of rateable property of any one or more of the classes of rateable property mentioned in the by-law under that subclause, notwithstanding that no parcel in the class or classes receives a benefit under clause *b*,
  - (iii) by charging the reduction in whole or in part to the general funds of the municipality, or
  - (iv) by a combination of the methods set out in subclauses i, ii and iii.

Calculation  
of amounts  
limited or  
reduced

(2) A provision limiting the amount of an increase or reducing the amount of a decrease under subsection 1 shall, in the first year of the operation of the by-law, limit or reduce only the amount of the increase or decrease, as the case may be, that exceeds the greater of,

- (a) \$50 or such greater amount as may be prescribed by the by-law; and
- (b) 10 per cent, or such greater percentage as may be prescribed by the by-law, of the taxes imposed on the separately assessed parcel of rateable property in the year next preceding the year in which the increase occurred,

and that amount shall be known as an "eligible increase" or "eligible decrease", as the case may be.

(3) The amount of an eligible increase or eligible decrease that Idem may be limited or reduced in the second and each subsequent year of operation of the by-law shall be an amount that is equal to the amount of that increase or decrease that was limited or reduced in the next preceding year less 20 per cent of the eligible increase or decrease, as the case may be, or such greater percentage as the by-law may provide.

(4) The council may,

Powers  
of  
council

- (a) under clauses *b* and *c* of subsection 1, limit increases and reduce decreases for different classes of rateable property for different periods of time not exceeding five years;
- (b) under clauses *a* and *b* of subsection 2, prescribe different greater amounts or greater percentages or both with respect to amounts of increases to be limited than are prescribed for the amounts of decreases to be reduced and different greater amounts or greater percentages or both may be prescribed for different classes of rateable property; and
- (c) under subsection 3, prescribe different greater percentages for different classes of rateable property.

(5) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation in respect of such land under subsection 1 inappropriate, the council may by by-law exclude increases in taxation in respect of such land from the application of the by-law passed under subsection 1. Where change in use or character of any land

(6) An increase or decrease in taxes levied on business assessment within the meaning of *The Assessment Act* against any person shall, for the purposes of this section, be deemed to be an increase or decrease, as the case may be, in taxation on a separately assessed parcel of rateable property. Business assessment R.S.O. 1970, c. 32

505a.—(1) The council of a local municipality may, in any year, pass by-laws to provide for the cancellation, reduction or refund of taxes levied in the year by the council on the rateable property of any person who makes application in that year to the municipality for such relief and whose taxes are unduly burdensome by reason of an increase in taxes in any year in an amount exceeding 10 per cent, or such greater percentage as may be prescribed in the by-law, of the taxes imposed on the rateable property of such person in the next preceding year resulting from a different assessment generally of lands in the municipality made in the year 1978 or thereafter. Cancellation, reduction or refund of taxes



## Limitation

(2) The maximum amount of the taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection 1 shall be limited to the amount by which the increase attributable to the reassessment exceeds \$50 or such greater amount as may be prescribed in the by-law.

Charge to  
general funds

(3) The amount of any taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection 1, shall be charged to the general funds of the municipality.

s. 636a (1) (g),  
repealed

**2.—**(1) Clause *g* of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed.

s. 636a (3),  
repealed

(2) Subsection 3 of the said section 636a is repealed.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

## Short title

**4.** The short title of this Act is *The Municipal Amendment Act, 1979*.









An Act to amend  
The Municipal Act

*1st Reading*

May 31st, 1979

*2nd Reading*

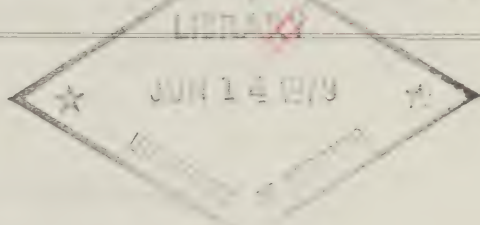
*3rd Reading*

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

*(Government Bill)*

3  
F  
BILL 115

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979



An Act to amend The Municipal Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



BILL 115

1979

## An Act to amend The Municipal Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 505 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 505, re-enacted

505.—(1) Notwithstanding section 504, where taxes in a municipality on any rateable property in the municipality increase in any year as a result of a different assessment generally of lands in the municipality, the council of the municipality may, in that year, pass a by-law, Limiting increase in taxes following change in assessment basis

- (a) which shall set out the full amount of the increase or decrease in taxation that results solely from such different assessment,

(i) on each separately assessed parcel of rateable property in the municipality, or

(ii) on each separately assessed parcel of rateable property of such class or classes of rateable property as may be defined in the by-law,

where the increase or decrease exceeds the greater of the amounts determined under clauses *a* and *b* of subsection 2;

- (b) which shall, subject to subsections 2 and 3, with respect to taxes levied in each year for a period not exceeding five years, limit the amount of the increases,

(i) where the council proceeds under subclause i of clause *a*, on the separately assessed parcels of rateable property mentioned in the by-law under that subclause, or



- (ii) where the council proceeds under subclause ii of clause *a*, on the separately assessed parcels of rateable property of any one or more of the classes mentioned in the by-law under that subclause; and
- (c) which shall, subject to subsections 2 and 3, provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b* be raised within the same period as is set out in the by-law under clause *b*,
  - (i) where the council proceeds under subclause i of clause *a* by reducing the amount of the decreases on the separately assessed parcels of rateable property mentioned in the by-law under that subclause,
  - (ii) where the council proceeds under subclause ii of clause *a*, by reducing the amount of the decreases on the separately assessed parcels of rateable property of any one or more of the classes of rateable property mentioned in the by-law under that subclause, notwithstanding that no parcel in the class or classes receives a benefit under clause *b*,
  - (iii) by charging the reduction in whole or in part to the general funds of the municipality, or
  - (iv) by a combination of the methods set out in subclauses i, ii and iii.

Calculation  
of amounts  
limited or  
reduced

(2) A provision limiting the amount of an increase or reducing the amount of a decrease under subsection 1 shall, in the first year of the operation of the by-law, limit or reduce only the amount of the increase or decrease, as the case may be, that exceeds the greater of,

- (a) \$50 or such greater amount as may be prescribed by the by-law; and
- (b) 10 per cent, or such greater percentage as may be prescribed by the by-law, of the taxes imposed on the separately assessed parcel of rateable property in the year next preceding the year in which the increase occurred,

and that amount shall be known as an “eligible increase” or “eligible decrease”, as the case may be.

(3) The amount of an eligible increase or eligible decrease that may be limited or reduced in the second and each subsequent year of operation of the by-law shall be an amount that is equal to the amount of that increase or decrease that was limited or reduced in the next preceding year less 20 per cent of the eligible increase or decrease, as the case may be, or such greater percentage as the by-law may provide. Idem

(4) The council may,

Powers  
of  
council

- (a) under clauses *b* and *c* of subsection 1, limit increases and reduce decreases for different classes of rateable property for different periods of time not exceeding five years;
- (b) under clauses *a* and *b* of subsection 2, prescribe different greater amounts or greater percentages or both with respect to amounts of increases to be limited than are prescribed for the amounts of decreases to be reduced and different greater amounts or greater percentages or both may be prescribed for different classes of rateable property; and
- (c) under subsection 3, prescribe different greater percentages for different classes of rateable property.

(5) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation in respect of such land under subsection 1 inappropriate, the council may by by-law exclude increases in taxation in respect of such land from the application of the by-law passed under subsection 1. Where change  
in use or  
character of  
any land

(6) An increase or decrease in taxes levied on business assessment within the meaning of *The Assessment Act* against any person shall, for the purposes of this section, be deemed to be an increase or decrease, as the case may be, in taxation on a separately assessed parcel of rateable property. Business  
assessment  
R.S.O. 1970,  
c. 32

505a.—(1) The council of a local municipality may, in any year, pass by-laws to provide for the cancellation, reduction or refund of taxes levied in the year by the council on the rateable property of any person who makes application in that year to the municipality for such relief and whose taxes are unduly burdensome by reason of an increase in taxes in any year in an amount exceeding 10 per cent, or such greater percentage as may be prescribed in the by-law, of the taxes imposed on the rateable property of such person in the next preceding year resulting from a different assessment generally of lands in the municipality made in the year 1978 or thereafter. Cancellation,  
reduction or  
refund of  
taxes

- |   |   |
|---|---|
| Limitation                              | (2) The maximum amount of the taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection 1 shall be limited to the amount by which the increase attributable to the reassessment exceeds \$50 or such greater amount as may be prescribed in the by-law. |
| Charge to general funds                 | (3) The amount of any taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection 1, shall be charged to the general funds of the municipality.   |
| s. 636 <i>et seq.</i> (1) (g), repealed | <b>2.</b> —(1) Clause <i>g</i> of subsection 1 of section 636 <i>a</i> of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed.  |
| s. 636 <i>a</i> (3), repealed           | (2) Subsection 3 of the said section 636 <i>a</i> is repealed.  |
| Commencement                            | <b>3.</b> This Act comes into force on the day it receives Royal Assent.  |
| Short title                             | <b>4.</b> The short title of this Act is <i>The Municipal Amendment Act, 1979</i> .   |



An Act to amend  
The Municipal Act

*1st Reading*

May 31st, 1979

*2nd Reading*

June 5th, 1979

*3rd Reading*

June 5th, 1979

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

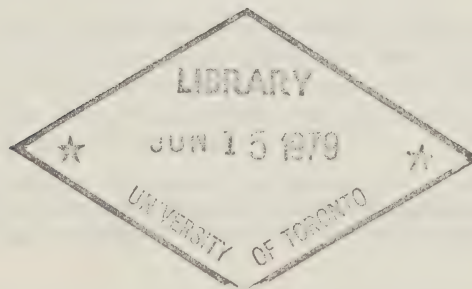
31/ BILL 116

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

2/ Legislative assembly

An Act to amend  
The District Municipality of Muskoka Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The re-enactment adds section 390a of *The Municipal Act* as one that is applicable to the District Council; that section permits the procuring of liability insurance to protect members of the council or of any local board.

SECTION 2. The re-enactment raises from 12 per cent to 15 per cent the maximum rate of interest an area municipality may charge the District Corporation on overdue payments in respect of sewage works.

SECTION 3. The re-enactment removes the requirement of obtaining Municipal Board approval to District Council by-laws dealing with private roads used as a means of access to controlled-access roads.

SECTION 4. The maximum rate of interest is raised from 12 per cent to 15 per cent in respect of overdue payments in relation to district roads.



BILL 116

1979

## An Act to amend The District Municipality of Muskoka Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1978, chapter 34, section 6, is repealed and the following substituted therefor:
 

s. 17 (3),  
re-enacted

(3) Sections 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the District Council.
 

Idem  
R.S.O. 1970,  
c. 284

2. Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 2, is repealed and the following substituted therefor:
 

s. 27 (10),  
re-enacted

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.
 

Default

3. Subsection 1 of section 63 of the said Act is repealed and the following substituted therefor:
 

s. 63 (1),  
re-enacted

(1) The District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.
 

Private roads,  
etc., opening  
upon control-  
led-access  
roads

4. Subsection 3 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 5, is repealed and the following substituted therefor:
 

s. 64 (3),  
re-enacted

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 90,  
amended

5. Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes  
of  
1976, c. 62,  
s. 35

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),  
re-enacted

6. Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 146, section 3, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the District Council determines, from the date payment is due until it is made.

s. 130 (1),  
re-enacted

7. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 34, section 8, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Commence-  
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1979*.

SECTION 5. The subsection added permits membership in a credit union.

SECTION 6. The maximum rate of interest on overdue District levies is increased from 12 per cent to 15 per cent.

SECTION 7. The additional provisions of *The Municipal Act* made applicable to the District Corporation are:

1. Paragraph 24a of section 352 providing for custody of things of historical value.
2. Subparagraph iii of paragraph 62a of subsection 1 of section 354 dealing with maintaining and repairing sewer and water pipes on condominium property.
3. Subparagraph ii of paragraph 112 of subsection 1 of section 354 dealing with parking of motor vehicles on municipal property.





An Act to amend  
The District Municipality of  
Muskoka Act

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*1st Reading*

May 31st, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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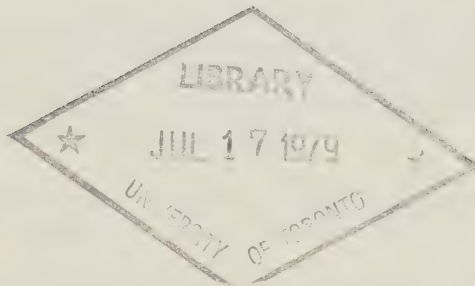
3  
17 BILL 116

Publications

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979 *Legislative Assembly*

An Act to amend  
The District Municipality of Muskoka Act

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs







BILL 116

1979

## An Act to amend The District Municipality of Muskoka Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1978, chapter 34, section 6, is repealed and the following substituted therefor: s. 17 (3),  
re-enacted

(3) Sections 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the District Council. Idem  
R.S.O. 1970,  
c. 284

2. Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 2, is repealed and the following substituted therefor: s. 27 (10),  
re-enacted

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

3. Subsection 1 of section 63 of the said Act is repealed and the following substituted therefor: s. 63 (1),  
re-enacted

(1) The District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road. Private roads,  
etc., opening  
upon control-  
led-access  
roads

4. Subsection 3 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 5, is repealed and the following substituted therefor: s. 64 (3),  
re-enacted

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 90,  
amended

- 5.** Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed  
municipality  
for purposes  
of  
1976, c. 62,  
s. 35

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),  
re-enacted

- 6.** Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 146, section 3, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the District Council determines, from the date payment is due until it is made.

s. 130 (1),  
re-enacted

- 7.** Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 34, section 8, is repealed and the following substituted therefor:

Application of  
R.S.O. 1970,  
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph iii of paragraph 62*a* and subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Commence-  
ment

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1979*.







An Act to amend  
The District Municipality of  
Muskoka Act

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*1st Reading*

May 31st, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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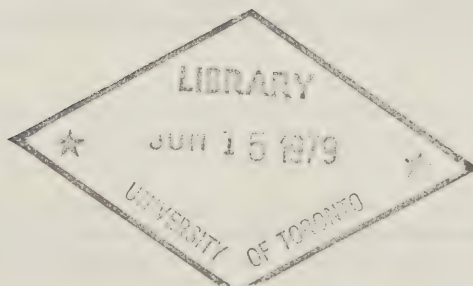


3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

2 Legislature

An Act to amend  
The County of Oxford Act, 1974

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The subsections repealed governed matters concerning the first elections held in 1974 and are spent; the re-enacted subsection provides machinery for determining entitlement to membership on the County Council in the circumstances set out.

Subsection 2. The repealed subsections are spent; subsection 4c had application only to the year 1978 and subsection 5 to the year 1974.

SECTION 2. The re-enactment of subsection 3 of section 19 adds section 390a of *The Municipal Act* as one that is applicable to the County Council; that section permits a council to procure liability insurance to protect members of council or a local board.

SECTION 3. The re-enactment of subsection 3 of section 50 raises from 12 per cent to 15 per cent the maximum interest rate an area municipality may charge the County on overdue payments in respect of County roads.

BILL 117

1979

## An Act to amend The County of Oxford Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 2, 3 and 4 of section 3 of *The County of Oxford Act, 1974*, being chapter 57, are repealed and the following substituted therefor:
 

s. 3 (2),  
re-enacted;  
s. 3 (3, 4),  
repealed

(2) If, after any election in an area municipality, by reason of acclamation or equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the County Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the County Council.

Where  
acclamation  
or equality  
of votes

(2) Subsection 4c, as enacted by the Statutes of Ontario, 1978, chapter 36, section 2, and subsection 5 of the said section 3, are repealed.

s. 3 (4c, 5),  
repealed
2. Subsection 3 of section 19 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 36, section 7, is repealed and the following substituted therefor:
 

s. 19 (3),  
re-enacted

(3) Sections 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the County Council.

Application  
of  
R.S.O. 1970,  
c. 284
3. Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:
 

s. 50 (3),  
re-enacted

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

s. 54,  
amended

4. Section 54 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 36, section 8, is further amended by adding thereto the following subsection:

R.S.O. 1970,  
c. 349,  
s. 12 (2) not  
to apply

(2b) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the County Council.

s. 58 (2),  
re-enacted

5. Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor:

Payment of  
principal and  
interest to  
area muni-  
cipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1 prior to the 1st day of January, 1975 and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 60 (2),  
repealed

6. Subsection 2 of section 60 of the said Act is repealed.

s. 76 (5),  
re-enacted

7. Subsection 5 of section 76 of the said Act is repealed and the following substituted therefor:

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (5),  
re-enacted

8. Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor:

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

9. Section 79 of the said Act is amended by adding thereto the following subsection:

County deemed  
municipality  
for purposes  
of 1976, c. 62,  
s. 35

(4) The County shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

SECTION 4. The County Council is the Planning Board of the Oxford Planning Area; subsection 2 of section 12 of *The Planning Act*, which the subsection added makes inapplicable, reads:

- (2) No plan shall be recommended for adoption unless it is approved by a vote of the majority of all the members of the planning board.

SECTION 5. The effect of the re-enactment is to raise from 12 percent to 15 per cent the maximum interest rate an area municipality may charge the County on overdue payments in respect of hospital aid.

SECTION 6. The subsection to be repealed prohibited the payment of remuneration to members of the County Council appointed to the Oxford County Board of Health.

SECTIONS 7 AND 8. The maximum interest rate is increased from 12 per cent to 15 per cent; section 76 relates to waterworks and section 77 to sewage works.

SECTION 9. The added subsection permits membership in a credit union.

SECTION 10. The maximum interest rate is increased from 12 per cent to 15 per cent in respect of overdue payments of the County levy.

SECTION 11. The additional provisions of *The Municipal Act* made applicable to the County are:

1. Paragraph 24*a* of section 352 providing for custody of things of historical value.
2. Subparagraph iii of paragraph 62*a* of subsection 1 of section 354 dealing with maintaining and repairing sewer and water pipes on condominium property.
3. Subparagraph ii of paragraph 112 of subsection 1 of section 354 dealing with parking of motor vehicles on municipal property.

SECTION 12. The re-enactment in effect adds clause *b* to subsection 2 of section 116 of the Act; it will permit an area municipality, with the consent of the County, to acquire and sell land for industrial sites and to establish a department of industries.

- 10.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15),  
re-enacted
- (15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the County Council determines, from the date payment is due until it is made. Default
- 11.** Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 36, section 9, is repealed and the following substituted therefor: s. 114 (1),  
re-enacted
- (1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242*a*, 242*b*, 245, 248*a*, 249, 250, 254, 308 and 333, paragraphs 3, 9, 10, 11, 12, 24, 24*a*, 41, 63, 64, 65, 66, 67, 67*a* and 71*a* of section 352, subparagraph iii of paragraph 62*a* and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County. Application  
of  
R.S.O. 1970,  
c. 284
- 12.** Subsection 2 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (2),  
re-enacted
- (2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply with necessary modifications to the County, and no area municipality shall exercise any such powers, Application of  
R.S.O. 1970,  
c. 284,  
ss. 354 (1)  
par. 50, 395
- (a) save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974; or
- (b) unless the by-law of the area municipality has been approved by the County Council.
- 13.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 14.** The short title of this Act is *The County of Oxford Amendment Act*, 1979. Short title



An Act to amend  
The County of Oxford Act, 1974

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*1st Reading*

May 31st, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

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B56

77 BILL 117

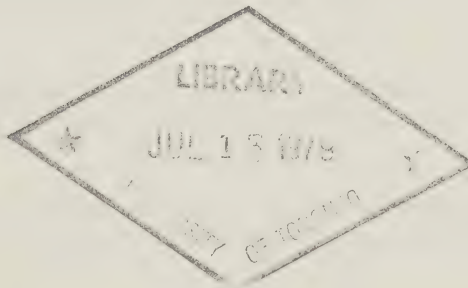
GOVERNMENT  
Publications

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to amend  
The County of Oxford Act, 1974

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs





BILL 117

1979

## An Act to amend The County of Oxford Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 2, 3 and 4 of section 3 of *The County of Oxford Act, 1974*, being chapter 57, are repealed and the following substituted therefor:
 

s. 3 (2),  
re-enacted;  
s. 3 (3, 4),  
repealed

(2) If, after any election in an area municipality, by reason of acclamation or equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the County Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the County Council.
 

Where  
acclamation  
or equality  
of votes

(2) Subsection 4c, as enacted by the Statutes of Ontario, 1978, chapter 36, section 2, and subsection 5 of the said section 3, are repealed.
 

s. 3 (4c, 5),  
repealed
2. Subsection 3 of section 19 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 36, section 7, is repealed and the following substituted therefor:
 

s. 19 (3),  
re-enacted

(3) Sections 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the County Council.
 

Application  
of  
R.S.O. 1970,  
c. 284
3. Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:
 

s. 50 (3),  
re-enacted

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.
 

Default

s. 54,  
amended

4. Section 54 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 36, section 8, is further amended by adding thereto the following subsection:

R.S.O. 1970,  
c. 349,  
s. 12 (2) not  
to apply

(2b) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the County Council.

s. 58 (2),  
re-enacted

5. Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor:

Payment of  
principal and  
interest to  
area muni-  
cipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1 prior to the 1st day of January, 1975 and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 60 (2),  
repealed

6. Subsection 2 of section 60 of the said Act is repealed.

s. 76 (5),  
re-enacted

7. Subsection 5 of section 76 of the said Act is repealed and the following substituted therefor:

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (5),  
re-enacted

8. Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor:

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,  
amended

9. Section 79 of the said Act is amended by adding thereto the following subsection:

County deemed  
municipality  
for purposes  
of 1976, c. 62,  
s. 35

(4) The County shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

- 10.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15),  
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the County Council determines, from the date payment is due until it is made. Default

- 11.** Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 36, section 9, is repealed and the following substituted therefor: s. 114 (1),  
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250, 254, 308 and 333, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County. Application  
of  
R.S.O. 1970,  
c. 284

- 12.** Subsection 2 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (2),  
re-enacted

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply with necessary modifications to the County, and no area municipality shall exercise any such powers, Application of  
R.S.O. 1970,  
c. 284,  
ss. 354 (1)  
par. 50, 395

(a) save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974; or

(b) unless the by-law of the area municipality has been approved by the County Council.

- 13.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

- 14.** The short title of this Act is *The County of Oxford Amendment Act, 1979*. Short title







An Act to amend  
The County of Oxford Act, 1974

---

*1st Reading*

May 31st, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

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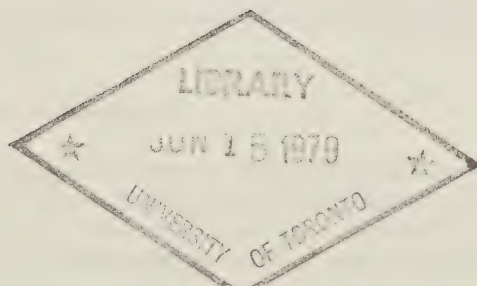
THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to amend The Royal Ontario Museum Act

MR. GRANDE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to reform the structure of the board of trustees of The Royal Ontario Museum. The Board will continue to consist of twenty-one trustees but the Bill provides that eight of the trustees will be appointed by the Lieutenant Governor in Council, eight will be elected by members of the Museum and two will be elected by members of the Museum's professional staff. The Bill also increases the number of trustees required to constitute a quorum and provides that meetings of the Board shall be open to the public.

BILL 118

1979

## An Act to amend The Royal Ontario Museum Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 4 of *The Royal Ontario Museum Act*, being chapter 417 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 4 (3),  
re-enacted

- (3) Of the remaining eighteen trustees, Appointment  
and election

(a) eight, being persons who are geographically representative of the Province of Ontario, shall be appointed by the Lieutenant Governor in Council for a three-year term;

(b) eight shall be elected by members of the Museum for a three-year term;

(c) two shall be elected by the professional staff of the Museum for a one-year term.

- (2) Subsection 4 of the said section 4 is repealed and the following substituted therefor: s. 4 (4),  
re-enacted

- (4) Notwithstanding subsection 3, First  
trustees

(a) on the first appointment of trustees under clause *a* of subsection 3, three trustees shall be appointed for a one-year term, three trustees shall be appointed for a two-year term and two trustees shall be appointed for a three-year term;

(b) on the first election of trustees under clause *b* of subsection 3, three trustees shall be elected for a one-year term, three trustees shall be elected for a two-year term and two trustees shall be elected for a three-year term,

and in each year thereafter the appropriate number of trustees shall be appointed and elected under clauses *a*, *b* and *c* of subsection 3 in order to fully constitute the Board.

s. 4 (7),  
re-enacted

- (3) Subsection 7 of the said section 4 is repealed and the following substituted therefor:

Quorum

(7) Ten trustees, including at least two trustees elected by the members and one trustee elected by the professional staff of the Museum, constitute a quorum for meetings of the Board.

s. 4 (8),  
re-enacted;  
s. 4 (9),  
repealed

- (4) Subsections 8 and 9 of the said section 4 are repealed and the following substituted therefor:

Chairman,  
vice-chairman

(8) The Board shall elect one of its members to be its chairman and may elect one of its members to be vice-chairman.

s. 4a,  
enacted

- 2.** The said Act is amended by adding thereto the following section:

Open  
meetings  
of Board

4a. The meetings of the Board and meetings of a committee of the Board, including a committee of the whole Board, shall be open to the public except where the Board determine that certain committees of the Board shall not be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct.

Transition

- 3.** The trustees who are members of the Board on the day this Act comes into force shall continue to hold office until their successors are appointed or elected.

Commence-  
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** The short title of this Act is *The Royal Ontario Museum Amendment Act, 1979*.









An Act to amend  
The Royal Ontario Museum Act

*1st Reading*

May 31st, 1979

*2nd Reading*

*3rd Reading*

MR. GRANDE

*(Private Member's Bill)*

3  
17 BILL 119

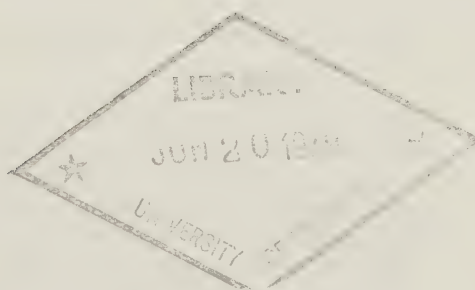
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to provide for Municipal Hydro-Electric  
Service in The Regional Municipality of Halton

THE HON. J. A. C. AULD  
Minister of Energy



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

The Bill establishes new hydro-electric commissions for the municipalities of Burlington, Halton Hills, Milton and Oakville.

A transitional period is provided before the new commissions become fully operational.

The members of each commission will be the mayor of the area municipality and additional members qualified as municipal electors in the municipality.

The council of each area municipality will determine whether after November 30, 1980, the members of its commission should be elected or appointed.

All customers in each municipality will be supplied with power by the new commissions.

Provision is made for the transfer of employees and the protection of their salaries and benefits.

BILL 119

1979

**An Act to provide for Municipal  
Hydro-Electric Service in The Regional  
Municipality of Halton**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) “area municipality” means the municipality or corporation of the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville;
- (c) “Minister” means the Minister of Intergovernmental Affairs;
- (d) “municipal commission” means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 70  
R.S.O. 1970,  
c. 390
- (e) “power” means electrical power and includes electrical energy;
- (f) “regulations” means the regulations made under this Act;

- (g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions  
established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the towns of Halton Hills, Milton and Oakville and the City of Burlington is hereby established.

Application of  
R.S.O. 1970,  
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of  
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Burlington Hydro-Electric Commission.
2. Halton Hills Hydro-Electric Commission.
3. Milton Hydro-Electric Commission.
4. Oakville Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

First  
commission,  
Burlington

(5) For the term expiring with the 30th day of November, 1980, the Burlington Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the City of Burlington and the members, other than *ex officio* members, of the Public Utilities Commission of the City of Burlington as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the City of Burlington, and, if less than four of the members are qualified electors, the council of the City of Burlington shall appoint an additional member or additional members so that there will be four additional members of the Burlington Hydro-Electric Commission.

1977, c. 62

First  
commission,  
Halton Hills

(6) For the term expiring with the 30th day of November, 1980, the Halton Hills Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Halton Hills



and the following additional members who shall be appointed by the council of the Town of Halton Hills:

1. Two members of the Hydro-Electric Commission of the Town of Georgetown as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Town of Acton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Halton Hills supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Milton Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Milton and the following additional members who shall be appointed by the council of the Town of Milton: <sup>First commission, Milton</sup>

1. One member of the Hydro-Electric Commission of Campbellville as it existed immediately before the coming into force of this Act.
2. Two members of the Hydro-Electric Commission of the Town of Milton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Milton supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Oakville Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Oakville and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Oakville as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Oakville, <sup>1977, c. 62</sup> and, if less than four of the members are qualified electors, the council of the Town of Oakville shall appoint an additional member or additional members so that there will be four additional members of the Oakville Hydro-Electric Commission. <sup>First commission, Oakville</sup>

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the <sup>Additional members of subsequent commissions</sup>

area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be elected by wards or appointed by the council.

Eligibility  
of members  
of council

(10) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(11) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of  
first  
commissions

(13) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* on the 1st day of January, 1979.

1973, c. 70

Resignations

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of  
commissions  
R.S.O. 1970,  
c. 390

**3.—**(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to  
distribute  
and supply  
power

(2) On and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting  
contracts

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*.

R.S.O. 1970,  
c.354

(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission. Contract with Ontario Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*. Idem R.S.O. 1970, c. 284

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2. Application of R.S.O. 1970, c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. Direct customers

4.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality. Transfer of assets and liabilities

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality. Transitional

5.—(1) Where assets that pertain to the retail distribution and supply of power in an area municipality are transferred to a commission established by section 2 from a municipal commission the majority of whose customers are located in another area municipality, the commission to which the assets are transferred shall pay compensation for the assets to the commission established by section 2 in respect of the other area municipality. Compensation for inter-municipal transfers of assets

(2) The amount of the compensation under subsection 1 shall be determined by agreement. Determination of amount

6.—(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro. Purchase of retail distribution facilities from Ontario Hydro

Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased  
equipment

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase  
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

Interpre-  
tation

7.—(1) In this section,

- (a) “parties” means,
  - (i) with respect to section 5, the commissions established by section 2 that are referred to in section 5, and
  - (ii) with respect to section 6, Ontario Hydro and, in each case, the commission established by section 2;
- (b) “purchase price” means,
  - (i) with respect to section 5, the compensation referred to in section 5, and
  - (ii) with respect to section 6, the purchase price referred to in section 6.

Where price  
to be  
determined  
by  
arbitration

(2) If the purchase price under section 5 or 6 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where  
parties  
unable to  
agree on  
single  
arbitrator

(3) Where a request is made under subsection 2 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration  
board

(4) Where a request is made under subsection 2 or 3 that the purchase price be determined by a board of arbitration,



- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

(5) Except as otherwise provided in this section, *The Arbitrations Act* applies to subsections 2, 3 and 4.

Application of  
R.S.O. 1970,  
c. 25

**8.—(1)** All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Vesting  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

Disposition  
of real  
property

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance

with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing

1973, c. 70

**9.** Except as otherwise provided in this Act, sections 92 to 113 of *The Regional Municipality of Halton Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpre-  
tation

**10.—(1)** In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Transfer of  
employees

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Wages or  
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-  
pation in  
O.M.E.R.S.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970,  
c. 324

Supplementary  
agreements

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the

coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Transfer of  
pension  
credits from  
Ontario  
Hydro Plan

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

Pension  
guarantee

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Group life  
insurance



Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life insurance provided to pensioners

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

Termination for cause

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special circumstances

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution of existing commissions  
1973, c. 70

**11.** For the purposes of section 135 of *The Regional Municipality of Halton Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973*, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

R.S.O. 1970,  
c. 390

Regulations

**12.** The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 3 of section 6 in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
  - (iii) the method of determining the amount of any component of the accumulated net retail equity,
  - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
  - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
  - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
  - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

**13.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup><sub>ment</sub>

**14.** The short title of this Act is *The Halton Municipal Hydro-Electric Service Act, 1979*. <sup>Short title</sup>





An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Halton

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*1st Reading*

June 4th, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. J. A. C. AULD  
Minister of Energy

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*(Government Bill)*

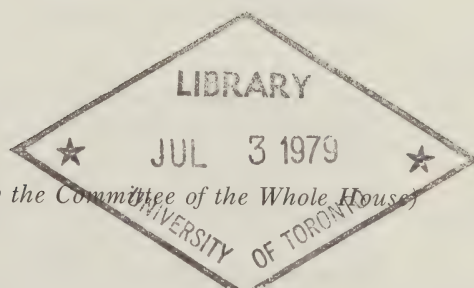
BILL 119

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to provide for Municipal Hydro-Electric  
Service in The Regional Municipality of Halton

THE HON. J. A. C. AULD  
Minister of Energy



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

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#### EXPLANATORY NOTES

The Bill establishes new hydro-electric commissions for the municipalities of Burlington, Halton Hills, Milton and Oakville.

Transitional periods are provided before the new commissions become fully operational.

The members of each commission will be the mayor of the area municipality and additional members qualified as municipal electors in the municipality.

The council of each area municipality will determine whether after November 30, 1980, the members of its commission should be elected or appointed.

All customers in each municipality will be supplied with power by the new commissions.

Provision is made for the transfer of employees and the protection of their salaries and benefits.



BILL 119

1979

**An Act to provide for Municipal  
Hydro-Electric Service in The Regional  
Municipality of Halton**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means the municipality or corporation of the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 70  
R.S.O. 1970,  
c. 390
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act;

- (g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions  
established

**2.—(1)** On the day this Act comes into force, a hydro-electric commission for each of the towns of Halton Hills, Milton and Oakville and the City of Burlington is hereby established.

Application of  
R.S.O. 1970,  
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of  
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Burlington Hydro-Electric Commission.
2. Halton Hills Hydro-Electric Commission.
3. Milton Hydro-Electric Commission.
4. Oakville Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

First  
commission,  
Burlington

(5) For the term expiring with the 30th day of November, 1980, the Burlington Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the City of Burlington and the members, other than *ex officio* members, of the Public Utilities Commission of the City of Burlington as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the City of Burlington, and, if less than four of the members are qualified electors, the council of the City of Burlington shall appoint an additional member or additional members so that there will be four additional members of the Burlington Hydro-Electric Commission.

1977, c. 62

First  
commission,  
Halton Hills

(6) For the term expiring with the 30th day of November, 1980, the Halton Hills Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Halton Hills

and the following additional members who shall be appointed by the council of the Town of Halton Hills:

1. Two members of the Hydro-Electric Commission of the Town of Georgetown as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Town of Acton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Halton Hills supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Milton Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Milton and the following additional members who shall be appointed by the council of the Town of Milton: First commission, Milton

1. One member of the Hydro-Electric Commission of Campbellville as it existed immediately before the coming into force of this Act.
2. Two members of the Hydro-Electric Commission of the Town of Milton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Milton supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Oakville Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Oakville and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Oakville as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Oakville, and, if less than four of the members are qualified electors, the council of the Town of Oakville shall appoint an additional member or additional members so that there will be four additional members of the Oakville Hydro-Electric Commission. 1977, c. 62

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the Additional members of subsequent commissions

area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be elected by wards or appointed by the council.

Eligibility  
of members  
of council

(10) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(11) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of  
first  
commissions

1973, c. 70

(13) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* on the 1st day of January, 1979.

Resignations

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of  
commissions  
R.S.O. 1970,  
c. 390

**3.—**(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to  
distribute  
and supply  
power

(2) On and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting  
contracts

R.S.O. 1970,  
c. 354

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*.



(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Contract  
with  
Ontario  
Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clauses of subsection 2 of section 293 of *The Municipal Act*.

Idem

R.S.O. 1970,  
c. 284

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2.

Application of  
R.S.O. 1970,  
c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established.

Direct  
customers

4.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

Transfer of  
assets and  
liabilities

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

Transitional

5.—(1) Where assets that pertain to the retail distribution and supply of power in an area municipality are transferred to a commission established by section 2 from a municipal commission the majority of whose customers are located in another area municipality, the commission to which the assets are transferred shall pay compensation for the assets to the commission established by section 2 in respect of the other area municipality.

Compensation  
for inter-  
municipal  
transfers  
of assets

(2) The amount of the compensation under subsection 1 shall be determined by agreement.

Determination  
of amount

6.—(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario

Purchase  
of retail  
distribution  
facilities  
from Ontario  
Hydro

Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased  
equipment

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase  
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

Interpre-  
tation

**7.—(1)** In this section,

(a) “parties” means,

- (i) with respect to section 5, the commissions established by section 2 that are referred to in section 5, and
- (ii) with respect to section 6, Ontario Hydro and, in each case, the commission established by section 2;

(b) “purchase price” means,

- (i) with respect to section 5, the compensation referred to in section 5, and
- (ii) with respect to section 6, the purchase price referred to in section 6.

Where price  
to be  
determined  
by  
arbitration

(2) If the purchase price under section 5 or 6 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where  
parties  
unable to  
agree on  
single  
arbitrator

(3) Where a request is made under subsection 2 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration  
board

(4) Where a request is made under subsection 2 or 3 that the purchase price be determined by a board of arbitration,

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

(5) Except as otherwise provided in this section, *The Arbitrations Act* applies to subsections 2, 3 and 4.

Application of  
R.S.O. 1970,  
c. 25

**8.**—(1) All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Vesting  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

Disposition  
of real  
property

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance



with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing

1973, c. 70

9. Except as otherwise provided in this Act, sections 92 to 113 of *The Regional Municipality of Halton Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpre-  
tation

10.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Transfer of  
employees

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Wages or  
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-  
pation in  
O.M.E.R.S.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970,  
c. 324

Supplementary  
agreements

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the

coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Transfer of  
pension  
credits from  
Ontario  
Hydro Plan

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

Pension  
guarantee

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Group life  
insurance

Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life insurance provided to pensioners

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

Termination for cause

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special circumstances

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution of existing commissions  
1973, c. 70

**11.** For the purposes of section 135 of *The Regional Municipality of Halton Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973*, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

R.S.O. 1970,  
c. 390Halton Hills  
Hydro-  
Electric  
Commission

**12.** With respect to the Town of Halton Hills and the Halton Hills Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 4, 6, 7, 10 and 11 shall be deemed to be a date three months after the mentioned date.

Regulations

**13.** The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 3 of section 6 in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

**14.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**15.** The short title of this Act is *The Halton Municipal Hydro-Electric Service Act, 1979*. Short title







# BILL 119

---

An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Halton

---

*1st Reading*

June 4th, 1979

*2nd Reading*

June 19th, 1979

*3rd Reading*

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THE HON. J. A. C. ATLD  
Minister of Energy

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*(Reprinted as amended by the  
Committee of the Whole House)*

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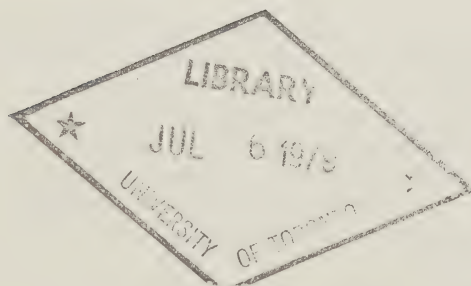


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356  
3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979  
*Regulation*

An Act to provide for Municipal Hydro-Electric  
Service in The Regional Municipality of Halton

THE HON. J. A. C. AULD  
Minister of Energy



TORONTO

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BILL 119

1979

**An Act to provide for Municipal  
Hydro-Electric Service in The Regional  
Municipality of Halton**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means the municipality or corporation of the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 70  
R.S.O. 1970,  
c. 390
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act;

- (g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions  
established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the towns of Halton Hills, Milton and Oakville and the City of Burlington is hereby established.

Application of  
R.S.O. 1970,  
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of  
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Burlington Hydro-Electric Commission.
2. Halton Hills Hydro-Electric Commission.
3. Milton Hydro-Electric Commission.
4. Oakville Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

First  
commission,  
Burlington

(5) For the term expiring with the 30th day of November, 1980, the Burlington Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the City of Burlington and the members, other than *ex officio* members, of the Public Utilities Commission of the City of Burlington as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the City of Burlington, and, if less than four of the members are qualified electors, the council of the City of Burlington shall appoint an additional member or additional members so that there will be four additional members of the Burlington Hydro-Electric Commission.

1977, c. 62

First  
commission,  
Halton Hills

(6) For the term expiring with the 30th day of November, 1980, the Halton Hills Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Halton Hills

and the following additional members who shall be appointed by the council of the Town of Halton Hills:

1. Two members of the Hydro-Electric Commission of the Town of Georgetown as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Town of Acton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Halton Hills supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Milton Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Milton and the following additional members who shall be appointed by the council of the Town of Milton: <sup>First commission, Milton</sup>

1. One member of the Hydro-Electric Commission of Campbellville as it existed immediately before the coming into force of this Act.
2. Two members of the Hydro-Electric Commission of the Town of Milton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Milton supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Oakville Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Oakville and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Oakville as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Oakville, <sup>1977, c. 62</sup> and, if less than four of the members are qualified electors, the council of the Town of Oakville shall appoint an additional member or additional members so that there will be four additional members of the Oakville Hydro-Electric Commission. <sup>First commission, Oakville</sup>

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the <sup>Additional members of subsequent commissions</sup>

area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be elected by wards or appointed by the council.

Eligibility  
of members  
of council

(10) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(11) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of  
first  
commissions

(13) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* on the 1st day of January, 1979.

1973, c. 70

Resignations

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of  
commissions  
R.S.O. 1970,  
c. 390

**3.—**(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to  
distribute  
and supply  
power

(2) On and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting  
contracts

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*.

R.S.O. 1970,  
c. 354



(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Contract  
with  
Ontario  
Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

Idem

R.S.O. 1970,  
c. 284

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2.

Application of  
R.S.O. 1970,  
c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established.

Direct  
customers

4.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

Transfer of  
assets and  
liabilities

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

Transitional

5.—(1) Where assets that pertain to the retail distribution and supply of power in an area municipality are transferred to a commission established by section 2 from a municipal commission the majority of whose customers are located in another area municipality, the commission to which the assets are transferred shall pay compensation for the assets to the commission established by section 2 in respect of the other area municipality.

Compensation  
for inter-  
municipal  
transfers  
of assets

(2) The amount of the compensation under subsection 1 shall be determined by agreement.

Determination  
of amount

6.—(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario

Purchase  
of retail  
distribution  
facilities  
from Ontario  
Hydro



Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased  
equipment

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase  
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

Interpre-  
tation

7.—(1) In this section,

(a) “parties” means,

(i) with respect to section 5, the commissions established by section 2 that are referred to in section 5, and

(ii) with respect to section 6, Ontario Hydro and, in each case, the commission established by section 2;

(b) “purchase price” means,

(i) with respect to section 5, the compensation referred to in section 5, and

(ii) with respect to section 6, the purchase price referred to in section 6.

Where price  
to be  
determined  
by  
arbitration

(2) If the purchase price under section 5 or 6 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where  
parties  
unable to  
agree on  
single  
arbitrator

(3) Where a request is made under subsection 2 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration  
board

(4) Where a request is made under subsection 2 or 3 that the purchase price be determined by a board of arbitration,

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
  - (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
  - (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.
- (5) Except as otherwise provided in this section, *The Arbitrations Act* applies to subsections 2, 3 and 4.

Application of  
R.S.O. 1970,  
c. 25

**8.—**(1) All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Vesting  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

Disposition  
of real  
property

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance

with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing  
1973, c. 70

**9.** Except as otherwise provided in this Act, sections 92 to 113 of *The Regional Municipality of Halton Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpretation

**10.—(1)** In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Transfer of  
employees

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Wages or  
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Participation in  
O.M.E.R.S.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970,  
c. 324

Supplementary  
agreements

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the

coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan. Transfer of pension credits from Ontario Hydro Plan

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who, Pension guarantee

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer. Group life insurance



Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life insurance provided to pensioners

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

Termination for cause

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special circumstances

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution of existing commissions 1973, c. 70

**11.** For the purposes of section 135 of *The Regional Municipality of Halton Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973*, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

Halton Hills Hydro-Electric Commission

**12.** With respect to the Town of Halton Hills and the Halton Hills Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 4, 6, 7, 10 and 11 shall be deemed to be a date three months after the mentioned date.

Regulations

**13.** The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 3 of section 6 in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

**14.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**15.** The short title of this Act is *The Halton Municipal Hydro-Electric Service Act, 1979*. Short title







## BILL 119

---

An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Halton

---

*1st Reading*

June 4th, 1979

*2nd Reading*

June 19th, 1979

*3rd Reading*

June 19th, 1979

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THE HON. J. A. C. AULD  
Minister of Energy

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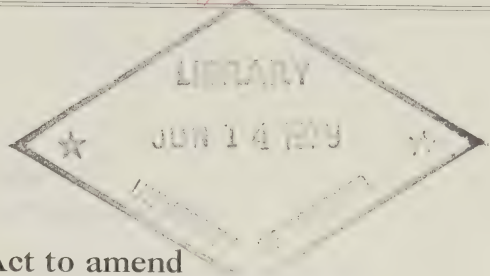
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Government  
Publications

3  
BILL 120

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979



An Act to amend  
The Workmen's Compensation Act

MR. DI SANTO

#### EXPLANATORY NOTES

SECTION 1. The proposed amendment deletes the definition of "medical referee" in the Act. The amendment is complementary to section 3 of the Bill.

SECTION 2. The proposed amendment deletes the reference to "medical referee" in section 13 of the Act. The amendment is complementary to section 3 of the Bill.

SECTION 3. The proposed section 21 of the Act removes the requirement that an employee claiming compensation must submit himself for examination by a legally qualified medical practitioner selected by the employer and, if requested by the Board, by a medical referee.

SECTION 4. The proposed section 22 of the Act renders the certificate of the legally qualified medical practitioner who conducts the examination of the employee conclusive of the matters certified. The amendment removes the power of the Board, contained in the current section 22, to order any employee to be examined by a medical referee.

SECTION 5.—Subsection 1. The proposed subsection 3a of section 42 would require the Board to consider the factors listed therein in determining the compensation payable in permanent disability cases.

BILL 120

1979

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of subsection 1 of section 1 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (1) (g),  
repealed
  
2. Section 13 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by striking out "medical referee" in the third line and in the fifth line and inserting in lieu thereof in each instance "legally qualified medical practitioner". s. 13,  
amended
  
3. Section 21 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed and the following substituted therefor: s. 21,  
re-enacted

21. An employee who claims compensation or to whom compensation is payable under this Part shall submit himself for examination by a legally qualified medical practitioner. Employee  
to submit  
to ex-  
amination
  
4. Section 22 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed and the following substituted therefor: s. 22,  
re-enacted

22. The legally qualified medical practitioner who examines the employee under section 21 shall certify to the Board as to the condition of the employee and his fitness for employment and his certificate is conclusive as to the matters certified. Certificate  
of physician
  
- 5.—(1) Section 42 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, section 3, 1975, chapter 47, section 6 and 1978, chapter 54, section 3, is further amended by adding thereto the following subsection: s. 42,  
amended

(2) The legally qualified medical practitioner who examines the employee under section 21 shall certify to the Board as to the condition of the employee and his fitness for employment and his certificate is conclusive as to the matters certified.

Considerations  
in determining  
compensation

(3a) Notwithstanding subsection 3, when determining the compensation payable in permanent disability cases, the Board shall consider whether the impairment of the employee's earning capacity has been aggravated by,

- (a) the loss of one or more special skills possessed by the employee;
- (b) the state of the labour market for work that the employee is capable of performing; or
- (c) an inability or difficulty of the employee in communicating in a particular language.

s. 42 (5),  
re-enacted

(2) Subsection 5 of the said section 42, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 6, is repealed and the following substituted therefor:

Periodical  
payments

(5) Notwithstanding subsection 1, where the impairment of earning capacity of the employee is significantly greater than is usual for the nature and degree of his injury, the Board may supplement the amount awarded for permanent partial disability for such period as the Board may fix, provided that the total sum of such supplement and award shall not exceed in any case the like proportion of 75 per cent of his average weekly earnings during the twelve months immediately preceding the accident or such lesser period as he has been employed, and provided that he co-operates in and is available for a medical or vocational rehabilitation program that may be provided by the Board as an aid in getting him back to work.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The Workmen's Compensation Amendment Act, 1979*.

Subsection 2. The proposed new subsection 5 of section 42 would limit the conditions governing the making of supplemental payments under the subsection. The current provision permits the Board to terminate supplemental payments where an employee fails to accept or ceases to be available for employment which is available and which in the opinion of the Board is suitable for his capabilities.







**BILL 120**

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An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

June 5th, 1979

*2nd Reading*

*3rd Reading*

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MR. DI SANTO

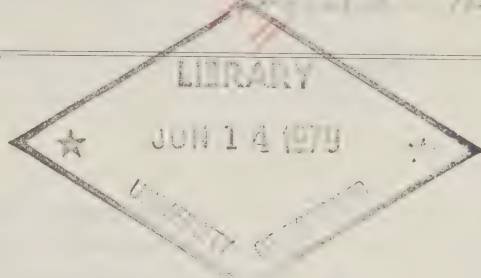
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*(Private Member's Bill)*

BILL 121

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979



An Act respecting Procedure for the  
Extension of Gas Services in Metropolitan Toronto

MR. WARNER

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to provide a means of ensuring the accountability of The Consumers' Gas Company to each neighbourhood and municipality in Metropolitan Toronto into which it proposes to extend gas service. The Bill establishes a procedure for holding a neighbourhood plebiscite to determine the wishes of residents concerning extension of gas service into their neighbourhood. On the basis of the results of the plebiscite, the municipal council having jurisdiction in the neighbourhood may by by-law prohibit the extension of gas service into the community or may, in consultation with any local community association, attach terms and conditions to the extension of the gas service. The Bill prohibits The Consumers' Gas Company from commencing any construction work for the purpose of extending service to a neighbourhood for a period of six months following the giving of notice as required by the Act unless the council of the municipality approves an earlier starting date.

BILL 121

1979

**An Act respecting  
Procedure for the Extension of Gas  
Service in Metropolitan Toronto**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any special or general Act, The Consumers' Gas Company shall not break up, dig or trench any street or public place in The Municipality of Metropolitan Toronto unless the Company has complied with the procedures under this Act. Prohibition

**2.** Where The Consumers' Gas Company proposes to extend gas service to one or more residential premises that has not previously been supplied with gas, the Company shall give notice in writing of the proposed works to, Notice of  
gas service  
extension

- (a) the council of the municipality in which the proposed works will occur;
- (b) all assessed owners of land lying within 400 feet of the proposed works;
- (c) such other persons as the municipal council may direct,

and the Company shall post a copy of the notice in a conspicuous place in the area of the proposed works where it is likely to come to the attention of persons residing in the area.

**3.** Upon the application of one or more persons receiving notice under section 2, the council of the municipality shall, by resolution, declare the boundaries of the neighbourhood affected by the proposed extension of gas service, and upon adoption of the resolution, the clerk shall prepare a list of the persons appearing on the last revised list of the municipality who are qualified to vote in a municipal election and who reside within the boundaries. Neighbour-  
hood  
affected

**4.—(1)** Where, within six months following the day that notice is served in accordance with section 2, 25 per cent of the persons Plebiscite

entitled to vote in the neighbourhood affected, as declared by the municipal council under section 3, petition the council of the municipality for a plebiscite, the council of the municipality shall submit one or more questions respecting the extension of gas service in the neighbourhood to a vote of the persons appearing on the list prepared by the clerk of the municipality and the question shall be determined by the council in consultation with electors in the neighbourhood affected.

By-law re  
plebiscite

(2) The council of the municipality shall by by-law provide for the holding of a plebiscite under this Act and, without limiting the generality of the foregoing, may provide for,

- (a) the appointment, powers and duties of returning officers;
- (b) the preparation and revision of voting lists;
- (c) the forms to be used and the oaths to be administered.

By-law to  
prohibit,  
permit  
extension

**5.**—(1) Upon completion of the plebiscite, the council of the municipality shall consider the wishes of the inhabitants of the neighbourhood as indicated by the plebiscite and may, on the basis of the results of the plebiscite, by by-law, prohibit the extension of gas service into the neighbourhood or may permit the extension of gas service on such terms and conditions as are agreed upon between the council of the municipality and the neighbourhood.

Cost of  
plebiscite

(2) In a by-law under subsection 1, the council of the municipality may assess the whole or a portion of the cost of holding the plebiscite against The Consumers' Gas Company.

Recognition  
of  
neighbourhood  
representa-  
tive

**6.** For the purposes of this Act, a council of a municipality shall recognize as the authorized representatives of a neighbourhood such persons as are designated for that purpose by the duly elected officers of each community association established by inhabitants of the neighbourhood and registered with the municipality.

Limitation  
on commence-  
ment of  
work

**7.** The Consumers' Gas Company shall not break up, dig or trench any street or public place for the purpose of extending gas service to one or more residential premises that has not previously been supplied with gas for a period of six months following the day that notice is served in accordance with section 2 unless the council of the municipality, in a by-law under section 5, authorizes an earlier date for the commencement of such work.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** The short title of this Act is *The Gas Service Extension Act, 1979*.









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An Act respecting  
Procedure for the Extension of Gas  
Services in Metropolitan Toronto

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*1st Reading*

June 5th, 1979

*2nd Reading*

*3rd Reading*

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MR. WARNER

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*(Private Member's Bill)*

BILL 122

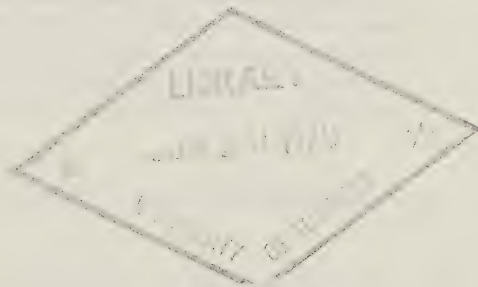
Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to provide for the  
Establishment of Local Services Boards

THE HON. L. BERNIER  
Minister of Northern Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill empowers the Minister of Northern Affairs, upon the recommendation of the inhabitants of a community located in territory without municipal organization, to establish an incorporated Board to exercise some or all of the powers set out in the Schedule to the Bill. Depending upon the scope of the order establishing the Board, a Board may exercise jurisdiction over water supply, sewage collection and treatment, garbage collection, street or area lighting, fire protection and recreation.

A Board will consist of either three members or five members, as provided for in the order of the Minister, the members to be elected annually from amongst the inhabitants of the area.

Each Board will establish its own procedure and determine how the elections shall be conducted. The Board is required to conduct as many public meetings as are necessary to involve the public in the conduct of the Board's affairs.

The Board, with the approval of the inhabitants, may authorize the Minister of Revenue to add a surcharge to the provincial land tax collected in the Board area and the amount of the surcharge is remitted to the Board for its purposes. Additionally, the Minister of Northern Affairs may make grants to a Board in respect of its operating expenses after taking into account the estimates prepared by the Board, fees received by the Board for services provided by it and the funds made available to the Board by the initiatives of the inhabitants.

BILL 122

1979

## An Act to provide for the Establishment of Local Services Boards

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means a Local Services Board established under this Act;
- (b) "Board area" means the geographical area within which the Board may exercise its jurisdiction;
- (c) "inhabitant", except for the purposes of sections 3 and 31, means a permanent resident of a Board area or an owner of property situate in a Board area, who is a Canadian citizen and who has attained the full age of eighteen years;
- (d) "Minister" means the Minister of Northern Affairs;
- (e) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office.

**2.** This Act applies only in territory without municipal organization.

Application

**3.—(1)** In this section and in section 31, "inhabitant" means a permanent resident of a proposed Board area or an owner of property situate in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen years.

Interpre-  
tation

(2) Any ten inhabitants desiring the establishment of a Local Services Board may, in writing, authorize and name one of their number to call a meeting of the inhabitants to consider the desirability of establishing a Local Services Board.

Calling of  
meeting



Notice

(3) Where the person named does not call a meeting within ten days after being authorized to do so, any person who signed the authorization may call a meeting.

Idem

(4) The notice calling the meeting,

(a) shall be in Form 1;

(b) shall set forth by description or drawing the proposed Board area and the place, date, time and purpose of the meeting;

(c) shall be posted up in at least six conspicuous places in the proposed Board area;

(d) shall be sent by registered mail to the Minister; and

(e) may be published in a newspaper having general circulation in the proposed area,

and the day named in the notice shall be at least fourteen days from the date of the last posting or mailing, whichever occurs later.

Meeting

(5) The meeting shall take place at the time and place set forth in the notice, and the person named to call the meeting shall preside at the meeting as chairman, but, if he is absent or declines to act, the inhabitants who are present at the meeting shall elect one of their number to act as chairman.

Recording  
secretary

(6) The chairman shall appoint from among the inhabitants present a recording secretary who shall,

(a) record the proceedings of the meeting;

(b) post up copies of the record of the proceedings in at least six conspicuous places in the proposed Board area; and

(c) shall send a signed copy of the record of the proceedings, including the recommendations agreed upon by the meeting under subsection 8, by registered mail to the Minister.

Voting

(7) Any recommendation or other matter to be determined at the meeting shall be determined by a vote of the majority of the inhabitants present and voting, and the chairman shall decide how the voting shall be conducted.

Recommendations

(8) The inhabitants shall make recommendations to the Minister in respect of,

(a) the desirability of establishing a Local Services Board;

- (b) the boundaries of the Board area;
- (c) the name of the Board;
- (d) whether the number of Board members should be three or five;
- (e) the powers, chosen from those set out in the Schedule hereto, which the Board should have; and
- (f) such other matters as the inhabitants consider appropriate.

(9) The recommended boundaries of the proposed Board area shall not include a greater area than the area described in the notice calling the meeting. Boundaries

4. Where the Minister receives the recommendations made under section 3, the Minister may, by order, Powers of Minister

- (a) establish a Local Services Board under the name of "The Local Services Board of .....";
- (b) establish the boundaries of the Board area;
- (c) establish the number of Board members;
- (d) establish the term of office of the first Board;
- (e) designate the powers from those listed in the Schedule hereto that the Board may exercise;
- (f) provide for all matters necessary to conduct the election for the first Board members; and
- (g) provide for such other matters as the Minister considers appropriate.

5. Except as may be provided for by order of the Minister made under section 4, the term of office of a Board member shall be for one year from the 1st day of October in any year to the 30th day of September in the next year. Term of office

6.—(1) A Board is a corporation but *The Corporations Act* does not apply to the Board. Board is corporation  
R.S.O. 1970,  
c. 89

(2) A Board is not a municipality or a local board for the purposes of any Act. Board not municipality or local board

- Powers           **7.**—(1) A Board may exercise the powers designated in the order of the Minister and in the exercise of those powers may do all things and make all arrangements necessary to provide, maintain and improve services in the Board area.
- Review           (2) A Board may at any time apply to the Minister for a review of the powers being exercised by the Board.
- Committees       (3) The Board may appoint such committees to advise it in the conduct of its affairs as the Board considers appropriate.
- Insurance        (4) The Board shall, by by-law, contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board and provide for the payment of premiums therefor.
- Limitation on actions   (5) No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its powers or to provide any service.
- Assignment of contracts  
R.S.O. 1970, c. 89   (6) A Board may by by-law accept the assignment of any contract or agreement entered into by a corporation incorporated under Part III of *The Corporations Act* where the subject-matter of the contract or agreement is consistent with the powers of the Board.
- Acquisition of land   **8.** In the exercise of its powers, a Board may acquire land by purchase or lease for its purposes and, when the land is no longer required for the purposes of the Board, dispose of it.
- Chairman head of Board   **9.**—(1) The chairman is the head of the Board and shall preside at all meetings of the Board.
- Absence, etc., of chairman   (2) In the absence of the chairman, or if his office is vacant, or if he refuses to act, the Board may, from among its members, appoint an acting chairman who, during such absence, vacancy or refusal to act, shall act in the place of the chairman and preside at the meetings of the Board.
- Failure to attend meetings, etc.   (3) If a member of the Board ceases to be an inhabitant, fails to attend any three consecutive meetings of the Board, refuses to act or dies, the remaining Board members may by by-law call a meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such member and the provisions of subsections 2, 3, 6 and 7 of section 19 apply.
- Quorum           **10.**—(1) A majority of members of the Board constitutes a quorum.

(2) The concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure. Voting

(3) All meetings of the Board shall be open to the public. Meetings  
open

**11.** Subject to the provisions of this Act, the Board shall by by-law establish its own procedures. Pro-  
cedures

**12.—**(1) All by-laws of the Board shall be under seal. Seal

(2) The Board shall by by-law authorize the secretary and one or more members of the Board to be signing officers on behalf of the Board. Signing  
officers

**13.** A Board member shall not be paid any remuneration for the performance of his duties as a Board member. No  
remunera-  
tion

**14.—**(1) The Board shall appoint a secretary, Secretary

(a) who may be a member of the Board other than the chairman; and

(b) who shall hold office at the pleasure of the Board.

(2) The secretary before entering on the duties of office shall give security in a form and on such terms as the Minister may approve for the faithful performance of such duties and for duly accounting for and paying over all moneys that come into his hands. Security

(3) The premiums in respect of the security shall be paid by the Board. Premiums

(4) In addition to the other duties prescribed by this Act, the secretary shall, Duties

(a) attend all meetings of the Board;

(b) keep minutes of such meetings;

(c) ensure that copies of the minutes of meetings are posted up in at least six conspicuous places;

(d) post up notices of meetings called by the Board;

(e) carry on correspondence as directed by the Board;

(f) receive and safely keep all moneys paid to the Board;

(g) maintain books of account and other records as may be required by the Board or by the Minister; and

(h) perform such other duties as the Board may assign.

Honorarium

**15.** The Board may pay to the secretary such honorarium as the Board by by-law determines.

Public  
meetings

**16.** A Board shall conduct sufficient public meetings so that the inhabitants may,

(a) participate in a discussion of the current and proposed programs of the Board;

(b) participate in the preparation of the annual estimates of the Board; and

(c) participate in a discussion of the annual audit report.

Notice

**17.** A notice of a public meeting other than a meeting called under section 3 or 19 shall contain the place, date, time and purpose of the meeting, the signature of the secretary or the person or persons calling the meeting, and copies of the notice shall be posted up in at least six conspicuous places in the Board area at least one week in advance of the meeting.

Improper  
conduct

**18.** The chairman may expel or exclude from any meeting any person including a Board member for improper conduct at the meeting.

Election  
meeting

**19.—(1)** In each year, the Board shall call an election meeting of the inhabitants to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

Notice

(2) At least two weeks before the election meeting, the secretary shall post up notice of the place, date and time of the election meeting in at least six conspicuous places in the Board area and shall send a copy of the notice by registered mail to the Minister.

Chairman

(3) The chairman of the Board shall act as chairman of the election meeting.

Failure  
to call  
meeting

(4) If the Board fails to call an election meeting before the 10th day of September, the secretary shall immediately call such a meeting by giving notice as provided in subsection 2 and shall act as the chairman of the meeting notwithstanding that the chairman of the Board attends the meeting.



(5) If in any year both the Board and the secretary fail to call an election meeting before the 15th day of September, any ten inhabitants may call a meeting and may appoint one of their number to act as chairman of the meeting and such inhabitant shall act as chairman notwithstanding that the chairman of the Board attends the meeting. Idem

(6) Any inhabitant is eligible to be elected as a member of the Board. Qualifications

(7) For all elections after the first election, the Board shall determine all matters related to the conduct of elections. Conduct of elections

**20.** Where the eligibility of any inhabitant to vote or to seek office is challenged, the chairman shall require that the inhabitant whose eligibility has been challenged swear an affidavit before him in Form 2 and, where the inhabitant swears such affidavit, he may thereupon vote at the meeting or be eligible to seek office. Challenge to eligibility

**21.** The Board shall hold its first meeting after the election meeting not later than the 10th day of October, and at such meeting shall elect one of its members as chairman. First meeting

**22.** On or before the 15th day of October in each year, the Minister of Revenue shall cause to be sent to the secretary of every Board a copy of that portion of the Provincial Land Tax Register showing the lands in the Board area liable to assessment and taxation under *The Provincial Land Tax Act* and the amount of the assessment. Provincial Land Tax Register  
R.S.O. 1970,  
c. 370

**23.—(1)** Before the 1st day of December in each year, the Board shall prepare and, after public discussion, adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the current fiscal year. Annual estimates

(2) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available in the current year, any operating deficit from the previous year and any debt owing to the Crown payable in the current year. Matters to be taken into account

(3) The estimates shall set out, Contents of estimates

(a) the amounts to be raised;

(b) the manner in which the amounts are to be raised; and

(c) the rate or rates, if any, which the Board proposes be added to the provincial land tax in the whole or any part of the Board area.

Where rates  
to be added  
under  
R.S.O. 1970,  
c. 370

(4) No rate shall be imposed under *The Provincial Land Tax Act* for the purposes of the Board, unless the rate, the purpose for which it is to be levied, and the area in which the rate is to be levied, are approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose.

Copy to  
Minister

(5) Before the 10th day of December in each year, the secretary shall send a copy of the estimates and the by-law adopting the estimates to the Minister by registered mail.

Payment  
to Board

**24.**—(1) The Minister shall pay to the Board annually out of moneys appropriated therefor by the Legislature such amount as he considers appropriate after taking into account the estimates of the Board, the moneys paid to the Board by the Minister of Revenue under section 26, the fees collected by the Board for the supply of services or the use of facilities and such other amounts as by the initiatives of the inhabitants have been raised and granted to the Board.

Idem

(2) The Minister may pay to the Board annually out of moneys appropriated therefor by the Legislature an amount equal to the amount that the rate or rates levied under section 26 would produce if levied in respect of the improved Crown land within the Board area.

Rates under  
R.S.O. 1970,  
c. 370

**25.**—(1) Where in any year the inhabitants have approved a rate or rates to be levied under *The Provincial Land Tax Act* as provided for in section 23, the Board may by by-law passed before the 1st day of December in that year request the Minister of Revenue to levy and collect under that Act in the next ensuing calendar year, such rate or rates in respect of properties taxable under *The Provincial Land Tax Act*.

Copy of  
by-law to  
Minister  
of Revenue

(2) The secretary shall send a copy of the by-law passed under subsection 1 to the Minister of Revenue by registered mail immediately after the passing of the by-law.

Levy under  
R.S.O. 1970,  
c. 370

**26.**—(1) Where the Minister of Revenue receives a by-law passed under subsection 1 of section 25, he shall levy in the calendar year for which the by-law was passed the rate or rates set out in the by-law in respect of the property taxable under *The Provincial Land Tax Act* in the whole or such part of the Board area to which the rate or rates apply, and such rate or rates and the amounts imposed are deemed to be a tax and shall be shown on the tax bill for such property as "Taxes for the purposes of The Local Services Board of . . . (naming the Board)", and shall be collected as though it were for all purposes provincial land tax.

Exemption

(2) Notwithstanding section 3 of *The Provincial Land Tax Act*, land belonging to the Board is exempt from taxation under *The Provincial Land Tax Act*.



(3) The Minister of Revenue shall pay to the Board the amounts collected under subsection 1. Payment to Board

**27.** The Board may by by-law establish such reserves from its revenues as the Board considers appropriate for expenditure in a subsequent fiscal year or years. Reserves

**28.** A Board shall not incur any debt, except a debt owed to the Crown in right of Ontario, the payment of which extends beyond the term of office of the Board. Debt

**29.**—(1) A Board shall engage a public accountant licensed as a municipal auditor under *The Municipal Affairs Act* to audit its accounts and transactions and to make a report to it annually or more often as the board requires. Audit R.S.O. 1970, c. 118

(2) The fiscal year of a Board is the year commencing on the 1st day of October and expiring with the 30th day of September next following. Fiscal year

(3) The secretary shall send a copy of the annual audit report by registered mail to the Minister. Copy of report to Minister

(4) The secretary shall permit any inhabitant at any reasonable time to examine and copy the audit report. Examination of report

(5) The Minister may at any time cause the accounts and transactions of a Board to be audited. Audit required by Minister

**30.** Where the Minister determines that a Board is misusing its funds or is not administering its affairs in a proper and straightforward manner or cannot or is unlikely to be able to meet its obligations as they fall due, the Minister may by order, Minister may dissolve Board

(a) dissolve the Board and call a new election;

(b) dissolve the Board and assume the powers of the Board; or

(c) dissolve the Board and the Board area and subsection 3 of section 32 applies to the order.

**31.**—(1) Where a Board considers it desirable that the boundaries of the Board area be altered or the powers of the Board be varied, the Board shall put the proposal to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal. Proposal to alter boundaries or vary powers

(2) Where it is proposed that the Board area be enlarged, the secretary shall post within the area proposed to be added the Notice

notice mentioned in subsection 1 and inhabitants in the area proposed to be added may attend the meeting and vote upon the proposal.

Recording  
of vote

(3) Where it is proposed that the boundaries of a Board area be altered, the secretary shall record separately the vote of the inhabitants within the area that it is proposed to be added to, or to be removed from, the Board area.

Powers of  
Minister

(4) Where a majority of the inhabitants present at the meeting vote in favour of a proposal made under subsection 1, the secretary shall forward to the Minister,

- (a) a copy of the proposal as approved at the meeting;
- (b) a statement of the results of the vote showing the vote of the inhabitants for and against the proposal; and
- (c) where it is proposed that the boundaries of the Board be altered, a statement of the vote of the inhabitants of the area it is proposed be added to or removed from the Board area,

and the Minister may make such order as he considers appropriate.

Proposal to  
dissolve  
Board

**32.**—(1) Where a board or any ten inhabitants propose that the Board be dissolved, the proposal shall be put to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Powers of  
Minister

(2) Where the majority of inhabitants present at the meeting approve a proposal that the Board be dissolved, the secretary shall send to the Minister a copy of the proposal together with a statement of the vote for and against the proposal, and the Minister, if he considers it appropriate, may by order dissolve the Board and the Board area.

Transfer of  
assets and  
liabilities

(3) In an order for dissolution, the Minister may make such provisions with respect to the transfer of liabilities and assets of the Board as he considers appropriate.

Forms in  
French  
language

**33.** The Minister may by order prescribe a French language version of any form that is prescribed by this Act and provide for its use.

Regula-  
tions

**34.** The Lieutenant Governor in Council may make regulations amending the Schedule hereto.

**35.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**36.** The short title of this Act is *The Local Services Boards Act, 1979*. Short title

## SCHEDULE

### 1. WATER SUPPLY

The Board may, by by-law,

- (a) acquire, establish, operate and maintain works for; or
- (b) contract for,

a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

### 2. FIRE PROTECTION

The Board may, by by-law,

- (a) acquire, establish, operate and maintain a fire-hall, fire engines and apparatus and equipment for fire fighting and fire protection; or
- (b) contract for fire protection,

and may charge a fee for the cost of such service.

### 3. GARBAGE COLLECTION

The Board may, by by-law,

- (a) establish and maintain a system for the collection and removal of garbage; or
- (b) contract for the collection, removal and disposal of garbage,

and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

### 4. SEWAGE

The Board may, by by-law,

- (a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or
- (b) contract for the collection and treatment of sewage,

and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,

- (c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems

approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

## 5. STREET OR AREA LIGHTING

The Board may, by by-law,

- (a) contract with Ontario Hydro or any person for the provision of street or area lighting in the Board area; or
- (b) contract with Ontario Hydro or any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area,

and may charge a fee for the cost of such service, but no Board shall generate its own power.

## 6. RECREATION

The Board may, by by-law,

- (a) contract for the use of recreation facilities or participation in programs of recreation;
- (b) provide for the carrying out of programs of recreation; or
- (c) acquire, establish, construct, operate and maintain recreation facilities,

and may charge fees in respect of the programs of recreation or the recreation facilities, and the Board shall be deemed to be an approved corporation for the purposes of *The Community Recreation Centres Act, 1974*.

# FORM 1

## NOTICE OF MEETING

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a Local Services Board in the .....area.

The proposed Board area to be considered at the meeting is \_\_\_\_\_

\_\_\_\_\_  
(describe boundaries of proposed Board area or attach a

\_\_\_\_\_  
drawing or map depicting the proposed Board area).

The meeting will take place:

at \_\_\_\_\_  
(time)

on \_\_\_\_\_  
(day)

in \_\_\_\_\_  
(place)

Date of Notice:

Signature of Person  
calling the meeting \_\_\_\_\_

FORM 2

AFFIDAVIT OF ELIGIBILITY TO VOTE

I, \_\_\_\_\_, of  
(print name)  
\_\_\_\_\_ make oath and say as follows:

- 1. I am a Canadian Citizen;
- 2. I am of the full age of eighteen years;
- (complete either 3 or 4)

3. I do permanently reside at \_\_\_\_\_  
\_\_\_\_\_ (a brief description of the property's location)  
in the Board area.

If person making affidavit is a permanent resident

OR

4. I am the owner of \_\_\_\_\_  
(legal description, or if unavailable, \_\_\_\_\_  
a brief description of property's location)  
located in the Board area.

If person making affidavit is not a permanent resident but owns property within the Board Area

And I do verily believe that I am an inhabitant as defined by section 1 (c) of *The Local Services Boards Act, 1979.*

Sworn before me in the  
District of  
in the Province of Ontario,  
this      day of      , 19      .

\_\_\_\_\_  
Signature of person  
making affidavit

\_\_\_\_\_  
Chairman,  
the Local Services Board of

\_\_\_\_\_  
(Name of Local Services Board)

## BILL 122

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An Act to provide  
for the Establishment of  
Local Services Boards

---

*1st Reading*

June 7th, 1979

*2nd Reading*

*3rd Reading*

---

THE HON. L. BERNIER  
Minister of Northern Affairs

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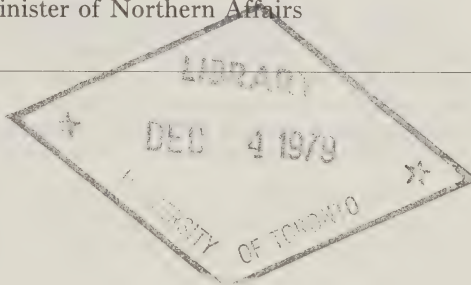
*(Government Bill)*

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A2AN  
XB  
B86  
3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979 *Legal Sec Ministry*

An Act to provide for the  
Establishment of Local Services Boards

THE HON. L. BERNIER  
Minister of Northern Affairs



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

The Bill empowers the Minister of Northern Affairs, upon the recommendation of the inhabitants of a community located in territory without municipal organization, to establish an incorporated Board to exercise some or all of the powers set out in the Schedule to the Bill. Depending upon the scope of the order establishing the Board, a Board may exercise jurisdiction over water supply, sewage collection and treatment, garbage collection, street or area lighting, fire protection and recreation.

A Board will consist of either three members or five members, as provided for in the order of the Minister, the members to be elected annually from amongst the inhabitants of the area.

Each Board will establish its own procedure and determine how the elections shall be conducted. The Board is required to conduct as many public meetings as are necessary to involve the public in the conduct of the Board's affairs.

The Board, with the approval of the inhabitants, may authorize the Minister of Revenue to add a surcharge to the provincial land tax collected in the Board area and the amount of the surcharge is remitted to the Board for its purposes. Additionally, the Minister of Northern Affairs may make grants to a Board in respect of its operating expenses after taking into account the estimates prepared by the Board, fees received by the Board for services provided by it and the funds made available to the Board by the initiatives of the inhabitants.

BILL 122

1979

## An Act to provide for the Establishment of Local Services Boards

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means a Local Services Board established under this Act;
- (b) "Board area" means the geographical area within which the Board may exercise its jurisdiction;
- (c) "inhabitant", except for the purposes of sections 3 and 31, means a permanent resident of a Board area or an owner of property situate in a Board area, who is a Canadian citizen and who has attained the full age of eighteen years;
- (d) "Minister" means the Minister of Northern Affairs;
- (e) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office.

**2.** This Act applies only in territory without municipal organi- Application  
zation.

**3.—(1)** In this section and in section 31, "inhabitant" means a permanent resident of a proposed Board area or an owner of property situate in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen years. Interpretation

(2) Any ten inhabitants desiring the establishment of a Local Services Board may, in writing, authorize and name one of their number to call a meeting of the inhabitants to consider the desirability of establishing a Local Services Board. Calling of meeting

Notice

(3) Where the person named does not call a meeting within ten days after being authorized to do so, any person who signed the authorization may call a meeting.

Idem

(4) The notice calling the meeting,

(a) shall be in Form 1;

(b) shall set forth by description or drawing the proposed Board area and the place, date, time and purpose of the meeting;

(c) shall be posted up in at least six conspicuous places in the proposed Board area;

(d) shall be sent by registered mail to the Minister; and

(e) may be published in a newspaper having general circulation in the proposed area,

and the day named in the notice shall be at least fourteen days from the date of the last posting or mailing, whichever occurs later.

Meeting

(5) The meeting shall take place at the time and place set forth in the notice, and the person named to call the meeting shall preside at the meeting as chairman, but, if he is absent or declines to act, the inhabitants who are present at the meeting shall elect one of their number to act as chairman.

Recording  
secretary

(6) The chairman shall appoint from among the inhabitants present a recording secretary who shall,

(a) record the proceedings of the meeting;

(b) post up copies of the record of the proceedings in at least six conspicuous places in the proposed Board area; and

(c) shall send a signed copy of the record of the proceedings, including the recommendations agreed upon by the meeting under subsection 8, by registered mail to the Minister.

Voting

(7) Any recommendation or other matter to be determined at the meeting shall be determined by a vote of the majority of the inhabitants present and voting, and the chairman shall decide how the voting shall be conducted.

Recommendations

(8) The inhabitants shall make recommendations to the Minister in respect of,

(a) the desirability of establishing a Local Services Board;

- (b) the boundaries of the Board area;
- (c) the name of the Board;
- (d) whether the number of Board members should be three or five;
- (e) the powers, chosen from those set out in the Schedule hereto, which the Board should have; and
- (f) such other matters as the inhabitants consider appropriate.

(9) The recommended boundaries of the proposed Board area shall not include a greater area than the area described in the notice calling the meeting. Boundaries

**4.** Where the Minister receives the recommendations made under section 3, the Minister may, by order, Powers of Minister

- (a) establish a Local Services Board under the name of "The Local Services Board of .....";
- (b) establish the boundaries of the Board area;
- (c) establish the number of Board members;
- (d) establish the term of office of the first Board;
- (e) designate the powers from those listed in the Schedule hereto that the Board may exercise;
- (f) provide for all matters necessary to conduct the election for the first Board members; and
- (g) provide for such other matters as the Minister considers appropriate.

**5.** Except as may be provided for by order of the Minister made under section 4, the term of office of a Board member shall be for one year from the 1st day of October in any year to the 30th day of September in the next year. Term of office

**6.—(1)** A Board is a corporation but *The Corporations Act* does not apply to the Board. Board is corporation  
R.S.O. 1970,  
c. 89

(2) A Board is not a municipality or a local board for the purposes of any Act. Board not municipality or local board

## Powers

**7.—(1)** A Board may exercise the powers designated in the order of the Minister and in the exercise of those powers may do all things and make all arrangements necessary to provide, maintain and improve services in the Board area.

## Areas

**(2)** Where, in the exercise of its powers, a Board provides a service, the Board may,

(a) provide the service to the whole of the Board area or to one or more parts of the Board area designated by the Board; or

(b) provide a different level of the service to different designated parts of the Board area,

provided that no fee shall be charged and no levy shall be imposed in respect of a service or a level of service in any part of the Board area in which the service or the level of service is not provided.

## Review

**(3)** A Board may at any time apply to the Minister for a review of the powers being exercised by the Board.

## Committees

**(4)** The Board may appoint such committees to advise it in the conduct of its affairs as the Board considers appropriate.

## Insurance

**(5)** The Board shall, by by-law, contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board and provide for the payment of premiums therefor.

Limitation  
on actions

**(6)** No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its powers or to provide any service.

Assignment  
of  
contracts

R.S.O. 1970,  
c. 89

**(7)** A Board may by by-law accept the assignment of any contract or agreement entered into by a corporation incorporated under Part III of *The Corporations Act* where the subject-matter of the contract or agreement is consistent with the powers of the Board.

Acquisition  
of land

**8.** In the exercise of its powers, a Board may acquire land by purchase or lease for its purposes and, when the land is no longer required for the purposes of the Board, dispose of it.

Chairman head  
of Board

**9.—(1)** The chairman is the head of the Board and shall preside at all meetings of the Board.

Absence,  
etc., of  
chairman

**(2)** In the absence of the chairman, or if his office is vacant, or if he refuses to act, the Board may, from among its members, appoint an acting chairman who, during such absence, vacancy or refusal to act, shall act in the place of the chairman and preside at the meetings of the Board.



(3) If a member of the Board ceases to be an inhabitant, fails to attend any three consecutive meetings of the Board, refuses to act or dies, the remaining Board members may by by-law call a public meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such member and the provisions of subsections 2, 3, 6 and 7 of section 19 apply. Failure to attend meetings, etc.

**10.**—(1) A majority of members of the Board constitutes a quorum. Quorum

(2) The concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure. Voting

(3) All meetings of the Board shall be open to the public. Meetings open

**11.** Subject to the provisions of this Act, the Board shall by by-law establish its own procedures. Procedures

**12.**—(1) All by-laws of the Board shall be under seal. Seal

(2) The Board shall by by-law authorize the secretary and one or more members of the Board to be signing officers on behalf of the Board. Signing officers

**13.** A Board member shall not be paid any remuneration for the performance of his duties as a Board member. No remuneration

**14.**—(1) The Board shall appoint a secretary, Secretary

(a) who may be a member of the Board other than the chairman; and

(b) who shall hold office at the pleasure of the Board.

(2) The secretary before entering on the duties of office shall give security in a form and on such terms as the Minister may approve for the faithful performance of such duties and for duly accounting for and paying over all moneys that come into his hands. Security

(3) The premiums in respect of the security shall be paid by the Board. Premiums

(4) In addition to the other duties prescribed by this Act, the secretary shall, Duties

(a) attend all meetings of the Board;

(b) keep minutes of such meetings;

- (c) ensure that copies of the minutes of meetings are posted up in at least six conspicuous places;
- (d) post up notices of meetings called by the Board;
- (e) carry on correspondence as directed by the Board;
- (f) receive and safely keep all moneys paid to the Board;
- (g) maintain books of account and other records as may be required by the Board or by the Minister; and
- (h) perform such other duties as the Board may assign.

**Honorarium**      **15.** The Board may pay to the secretary such honorarium as the Board by by-law determines.

**Public meetings**      **16.** A Board shall conduct sufficient public meetings so that the inhabitants may,

- (a) participate in a discussion of the current and proposed programs of the Board;
- (b) participate in the preparation of the annual estimates of the Board; and
- (c) participate in a discussion of the annual audit report.

**Notice**      **17.** A notice of a public meeting other than a meeting called under section 3 or 19 shall contain the place, date, time and purpose of the meeting, the signature of the secretary or the person or persons calling the meeting, and copies of the notice shall be posted up in at least six conspicuous places in the Board area at least one week in advance of the meeting.

**Improper conduct**      **18.** The chairman may expel or exclude from any meeting any person including a Board member for improper conduct at the meeting.

**Election meeting**      **19.—(1)** In each year, the Board shall call an election meeting of the inhabitants to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

**Notice**      (2) At least two weeks before the election meeting, the secretary shall post up notice of the place, date and time of the election meeting in at least six conspicuous places in the Board area and shall send a copy of the notice by registered mail to the Minister.





(3) The chairman of the Board shall act as chairman of the election meeting. Chairman

(4) If the Board fails to call an election meeting before the 10th day of September, the secretary shall immediately call such a meeting by giving notice as provided in subsection 2 and shall act as the chairman of the meeting notwithstanding that the chairman of the Board attends the meeting. Failure to call meeting

(5) If in any year both the Board and the secretary fail to call an election meeting before the 15th day of September, any ten inhabitants may call a meeting and may appoint one of their number to act as chairman of the meeting and such inhabitant shall act as chairman notwithstanding that the chairman of the Board attends the meeting. Idem

(6) Any inhabitant is eligible to be elected as a member of the Board. Qualifications

 (7) For all elections after the first election, the Board shall, subject to subsection 8, determine all matters relating to the conduct of elections. Conduct of elections

(8) Voting for the election of members of the Board shall be by way of secret ballot.  Voting

**20.** Where the eligibility of any inhabitant to vote or to seek office is challenged, the chairman shall require that the inhabitant whose eligibility has been challenged swear an affidavit before him in Form 2 and, where the inhabitant swears such affidavit, he may thereupon vote at the meeting or be eligible to seek office. Challenge to eligibility

**21.** The Board shall hold its first meeting after the election meeting not later than the 10th day of October, and at such meeting shall elect one of its members as chairman. First meeting

**22.** On or before the 15th day of October in each year, the Minister of Revenue shall cause to be sent to the secretary of every Board a copy of that portion of the Provincial Land Tax Register showing the lands in the Board area liable to assessment and taxation under *The Provincial Land Tax Act* and the amount of the assessment. Provincial Land Tax Register  
R.S.O. 1970, c. 370

**23.—(1)** Before the 1st day of December in each year, the Board shall prepare and, after public discussion, adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the current fiscal year. Annual estimates

(2) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available Matters to be taken into account

in the current year, any operating deficit from the previous year and any debt owing to the Crown payable in the current year.

Contents of  
estimates

(3) The estimates shall set out,

(a) the amounts to be raised;

(b) the manner in which the amounts are to be raised; and

(c) the rate or rates, if any, which the Board proposes be added to the provincial land tax in the whole or any part of the Board area.

Where rates  
to be added  
under  
R.S.O. 1970,  
c. 370

(4) No rate shall be imposed under *The Provincial Land Tax Act* for the purposes of the Board, unless the rate, the purpose for which it is to be levied, and the area in which the rate is to be levied, are approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose.

Copy to  
Minister

(5) Before the 10th day of December in each year, the secretary shall send a copy of the estimates and the by-law adopting the estimates to the Minister by registered mail.

Payment  
to Board

**24.**—(1) The Minister shall pay to the Board annually out of moneys appropriated therefor by the Legislature such amount as he considers appropriate after taking into account the estimates of the Board, the moneys paid to the Board by the Minister of Revenue under section 26, the fees collected by the Board for the supply of services or the use of facilities and such other amounts as by the initiatives of the inhabitants have been raised and granted to the Board.

Idem

(2) The Minister may pay to the Board annually out of moneys appropriated therefor by the Legislature an amount equal to twice the amount that the rate or rates levied under section 26 would produce if levied in respect of the improved Crown land within the Board area.

Rates under  
R.S.O. 1970,  
c. 370

**25.**—(1) Where in any year the inhabitants have approved a rate or rates to be levied under *The Provincial Land Tax Act* as provided for in section 23, the Board may by by-law passed before the 1st day of December in that year request the Minister of Revenue to levy and collect under that Act in the next ensuing calendar year, such rate or rates in respect of properties taxable under *The Provincial Land Tax Act*.

Copy of  
by-law to  
Minister  
of Revenue

(2) The secretary shall send a copy of the by-law passed under subsection 1 to the Minister of Revenue by registered mail immediately after the passing of the by-law.

Levy under  
R.S.O. 1970,  
c. 370


**26.**—(1) Where the Minister of Revenue receives a by-law passed under subsection 1 of section 25, he shall levy in the


calendar year for which the by-law was passed the rate or rates set out in the by-law in respect of the property taxable under *The Provincial Land Tax Act* in the whole or such part of the Board area to which the rate or rates apply, and such rate or rates and the amounts imposed are deemed to be a tax and shall be shown on the tax bill for such property as "Taxes for the purposes of The Local Services Board of . . . (naming the Board)", and shall be collected as though it were for all purposes provincial land tax.

(2) Notwithstanding section 3 of *The Provincial Land Tax Act*, Exemption land belonging to the Board is exempt from taxation under *The Provincial Land Tax Act*.

(3) The Minister of Revenue shall pay to the Board the amounts Payment to Board collected under subsection 1.

**27.** The Board may by by-law establish such reserves from its Reserves revenues as the Board considers appropriate for expenditure in a subsequent fiscal year or years.

 **28.** A Board may incur a debt for the purposes of the Board Debt but shall not incur any debt the payment of which is not provided for in the estimates for the current fiscal year of the Board unless,

- (a) it is a debt owed to the Crown in right of Ontario; or
- (b) the purpose for which the debt is to be incurred and the amount thereof is approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose and the approval of the Minister to the incurring of the debt is obtained. 

**29.—(1)** A Board shall engage a public accountant licensed as Audit a municipal auditor under *The Municipal Affairs Act* to audit its R.S.O. 1970, c. 118 accounts and transactions and to make a report to it annually or more often as the board requires.

(2) The fiscal year of a Board is the year commencing on the 1st Fiscal year day of October and expiring with the 30th day of September next following.

(3) The secretary shall send a copy of the annual audit report by Copy of report to Minister registered mail to the Minister.

(4) The secretary shall permit any inhabitant at any reasonable Examination of report time to examine and copy the audit report.

(5) The Minister may at any time cause the accounts and trans- Audit required by Minister actions of a Board to be audited.

Minister  
may  
dissolve  
Board

**30.** Where the Minister determines that a Board is misusing its funds or is not administering its affairs in a proper and straightforward manner or cannot or is unlikely to be able to meet its obligations as they fall due, the Minister may by order,

- (a) dissolve the Board and call a new election;
- (b) dissolve the Board and assume the powers of the Board;  
or
- (c) dissolve the Board and the Board area and subsection 3 of section 32 applies to the order.

Proposal  
to alter  
boundaries  
or vary  
powers

**31.—**(1) Where a Board considers it desirable that the boundaries of the Board area be altered or the powers of the Board be varied, the Board shall put the proposal to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Notice

(2) Where it is proposed that the Board area be enlarged, the secretary shall post within the area proposed to be added the notice mentioned in subsection 1 and inhabitants in the area proposed to be added may attend the meeting and vote upon the proposal.

Recording  
of vote

(3) Where it is proposed that the boundaries of a Board area be altered, the secretary shall record separately the vote of the inhabitants within the area that it is proposed to be added to, or to be removed from, the Board area.

Powers of  
Minister

(4) Where a majority of the inhabitants present at the meeting vote in favour of a proposal made under subsection 1, the secretary shall forward to the Minister,

- (a) a copy of the proposal as approved at the meeting;
- (b) a statement of the results of the vote showing the vote of the inhabitants for and against the proposal; and
- (c) where it is proposed that the boundaries of the Board be altered, a statement of the vote of the inhabitants of the area it is proposed be added to or removed from the Board area,

and the Minister may make such order as he considers appropriate.

Proposal to  
dissolve  
Board

**32.—**(1) Where a board or any ten inhabitants propose that the Board be dissolved, the proposal shall be put to a vote of the

inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.


(2) Where the majority of inhabitants present at the meeting approve a proposal that the Board be dissolved, the secretary shall send to the Minister a copy of the proposal together with a statement of the vote for and against the proposal, and the Minister, if he considers it appropriate, may by order dissolve the Board and the Board area. Powers of Minister

(3) In an order for dissolution, the Minister may make such provisions with respect to the transfer of liabilities and assets of the Board as he considers appropriate. Transfer of assets and liabilities

**33.** The Minister may by order prescribe a French language version of any form that is prescribed by this Act and provide for its use. Forms in French language

**34.** The Lieutenant Governor in Council may make regulations amending the Schedule hereto. Regulations

 **35.** Section 21 of *The Provincial Land Tax Act*, being chapter 370 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: R.S.O. 1970, c. 370, s. 21, amended

(4) In determining for the purposes of subsection 3 the annual tax imposed under this Act no account shall be taken of any tax imposed pursuant to *The Local Services Boards Act, 1979*. Idem 1979, c. ... 

**36.** This Act comes into force on the day it receives Royal Assent. Commencement

**37.** The short title of this Act is *The Local Services Boards Act, 1979*. Short title



## SCHEDULE

### 1. WATER SUPPLY

The Board may, by by-law,

(a) acquire, establish, operate and maintain works for; or

(b) contract for,

a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

### 2. FIRE PROTECTION

The Board may, by by-law,

(a) acquire, establish, operate and maintain a fire-hall, fire engines and apparatus and equipment for fire fighting and fire protection; or

(b) contract for fire protection,

and may charge a fee for the cost of such service.

### 3. GARBAGE COLLECTION

The Board may, by by-law,

(a) establish and maintain a system for the collection and removal of garbage; or

(b) contract for the collection, removal and disposal of garbage,

and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

### 4. SEWAGE

The Board may, by by-law,

(a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or

(b) contract for the collection and treatment of sewage,

and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,

(c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

### 5. STREET OR AREA LIGHTING

The Board may, by by-law,

- (a) contract with Ontario Hydro or any person for the provision of street or area lighting in the Board area; or
- (b) contract with Ontario Hydro or any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area,

and may charge a fee for the cost of such service, but no Board shall generate its own power.

## 6. RECREATION

The Board may, by by-law,

- (a) contract for the use of recreation facilities or participation in programs of recreation;
- (b) provide for the carrying out of programs of recreation; or
- (c) acquire, establish, construct, operate and maintain recreation facilities,

and may charge fees in respect of the programs of recreation or the recreation facilities, and the Board shall be deemed to be an approved corporation for the purposes of *The Community Recreation Centres Act, 1974*.

## FORM 1

### NOTICE OF MEETING

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a Local Services Board in the .....area.

The proposed Board area to be considered at the meeting is \_\_\_\_\_

\_\_\_\_\_  
(describe boundaries of proposed Board area or attach a

\_\_\_\_\_  
drawing or map depicting the proposed Board area).

The meeting will take place:

at \_\_\_\_\_  
(time)

on \_\_\_\_\_  
(day)

in \_\_\_\_\_  
(place)

Date of Notice:

Signature of Person  
calling the meeting \_\_\_\_\_



## FORM 2

## AFFIDAVIT OF ELIGIBILITY TO VOTE

I, \_\_\_\_\_, of  
(print name)

\_\_\_\_\_ make oath and say as follows:

1. I am a Canadian Citizen;
  2. I am of the full age of eighteen years;
- (complete either 3 or 4)

If person  
making  
affidavit  
is a  
permanent  
resident

3. I do permanently reside at \_\_\_\_\_

\_\_\_\_\_ (a brief description of the property's location)

in the Board area.

OR

If person  
making  
affidavit  
is not a  
permanent  
resident  
but owns  
property  
within the  
Board Area

4. I am the owner of \_\_\_\_\_ (legal description, or if unavailable,

\_\_\_\_\_ a brief description of property's location)

located in the Board area.

And I do verily believe that I am an inhabitant as defined by section 1 (c) of *The Local Services Boards Act, 1979*.

Sworn before me in the

District of

in the Province of Ontario,

this      day of      , 19      .

\_\_\_\_\_  
Signature of person  
making affidavit

\_\_\_\_\_  
Chairman,  
the Local Services Board of

\_\_\_\_\_  
(Name of Local Services Board)







# BILL 122

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An Act to provide  
for the Establishment of  
Local Services Boards

---

*1st Reading*

June 7th, 1979

*2nd Reading*

November 13th, 1979

*3rd Reading*

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THE HON. L. BERNIER  
Minister of Northern Affairs

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*(Reprinted as amended by the  
Committee of the Whole House)*

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Government  
Publications

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Assembly*

An Act to provide for the  
Establishment of Local Services Boards

THE HON. L. BERNIER  
Minister of Northern Affairs







BILL 122

1979

## An Act to provide for the Establishment of Local Services Boards

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means a Local Services Board established under this Act;
- (b) "Board area" means the geographical area within which the Board may exercise its jurisdiction;
- (c) "inhabitant", except for the purposes of sections 3 and 31, means a permanent resident of a Board area or an owner of property situate in a Board area, who is a Canadian citizen and who has attained the full age of eighteen years;
- (d) "Minister" means the Minister of Northern Affairs;
- (e) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office.

**2.** This Act applies only in territory without municipal organi- Application  
zation.

**3.—(1)** In this section and in section 31, "inhabitant" means a permanent resident of a proposed Board area or an owner of property situate in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen years. Interpretation

(2) Any ten inhabitants desiring the establishment of a Local Services Board may, in writing, authorize and name one of their number to call a meeting of the inhabitants to consider the desirability of establishing a Local Services Board. Calling of meeting

Notice

(3) Where the person named does not call a meeting within ten days after being authorized to do so, any person who signed the authorization may call a meeting.

Idem

(4) The notice calling the meeting,

(a) shall be in Form 1;

(b) shall set forth by description or drawing the proposed Board area and the place, date, time and purpose of the meeting;

(c) shall be posted up in at least six conspicuous places in the proposed Board area;

(d) shall be sent by registered mail to the Minister; and

(e) may be published in a newspaper having general circulation in the proposed area,

and the day named in the notice shall be at least fourteen days from the date of the last posting or mailing, whichever occurs later.

Meeting

(5) The meeting shall take place at the time and place set forth in the notice, and the person named to call the meeting shall preside at the meeting as chairman, but, if he is absent or declines to act, the inhabitants who are present at the meeting shall elect one of their number to act as chairman.

Recording  
secretary

(6) The chairman shall appoint from among the inhabitants present a recording secretary who shall,

(a) record the proceedings of the meeting;

(b) post up copies of the record of the proceedings in at least six conspicuous places in the proposed Board area; and

(c) shall send a signed copy of the record of the proceedings, including the recommendations agreed upon by the meeting under subsection 8, by registered mail to the Minister.

Voting

(7) Any recommendation or other matter to be determined at the meeting shall be determined by a vote of the majority of the inhabitants present and voting, and the chairman shall decide how the voting shall be conducted.

Recommendations

(8) The inhabitants shall make recommendations to the Minister in respect of,

(a) the desirability of establishing a Local Services Board;

- (b) the boundaries of the Board area;
- (c) the name of the Board;
- (d) whether the number of Board members should be three or five;
- (e) the powers, chosen from those set out in the Schedule hereto, which the Board should have; and
- (f) such other matters as the inhabitants consider appropriate.

(9) The recommended boundaries of the proposed Board area shall not include a greater area than the area described in the notice calling the meeting. Boundaries

4. Where the Minister receives the recommendations made under section 3, the Minister may, by order, Powers of Minister

- (a) establish a Local Services Board under the name of "The Local Services Board of .....";
- (b) establish the boundaries of the Board area;
- (c) establish the number of Board members;
- (d) establish the term of office of the first Board;
- (e) designate the powers from those listed in the Schedule hereto that the Board may exercise;
- (f) provide for all matters necessary to conduct the election for the first Board members; and
- (g) provide for such other matters as the Minister considers appropriate.

5. Except as may be provided for by order of the Minister made under section 4, the term of office of a Board member shall be for one year from the 1st day of October in any year to the 30th day of September in the next year. Term of office

6.—(1) A Board is a corporation but *The Corporations Act* does not apply to the Board. Board is corporation  
R.S.O. 1970,  
c. 89

(2) A Board is not a municipality or a local board for the purposes of any Act. Board not municipality or local board

Powers	<p><b>7.—(1)</b> A Board may exercise the powers designated in the order of the Minister and in the exercise of those powers may do all things and make all arrangements necessary to provide, maintain and improve services in the Board area.</p>
Areas	<p>(2) Where, in the exercise of its powers, a Board provides a service, the Board may,</p> <ul style="list-style-type: none"> <li>(a) provide the service to the whole of the Board area or to one or more parts of the Board area designated by the Board; or</li> <li>(b) provide a different level of the service to different designated parts of the Board area,</li> </ul> <p>provided that no fee shall be charged and no levy shall be imposed in respect of a service or a level of service in any part of the Board area in which the service or the level of service is not provided.</p>
Review	<p>(3) A Board may at any time apply to the Minister for a review of the powers being exercised by the Board.</p>
Committees	<p>(4) The Board may appoint such committees to advise it in the conduct of its affairs as the Board considers appropriate.</p>
Insurance	<p>(5) The Board shall, by by-law, contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board and provide for the payment of premiums therefor.</p>
Limitation on actions	<p>(6) No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its powers or to provide any service.</p>
Assignment of contracts R.S.O. 1970, c. 89	<p>(7) A Board may by by-law accept the assignment of any contract or agreement entered into by a corporation incorporated under Part III of <i>The Corporations Act</i> where the subject-matter of the contract or agreement is consistent with the powers of the Board.</p>
Acquisition of land	<p><b>8.</b> In the exercise of its powers, a Board may acquire land by purchase or lease for its purposes and, when the land is no longer required for the purposes of the Board, dispose of it.</p>
Chairman head of Board	<p><b>9.—(1)</b> The chairman is the head of the Board and shall preside at all meetings of the Board.</p>
Absence, etc., of chairman	<p>(2) In the absence of the chairman, or if his office is vacant, or if he refuses to act, the Board may, from among its members, appoint an acting chairman who, during such absence, vacancy or refusal to act, shall act in the place of the chairman and preside at the meetings of the Board.</p>

(3) If a member of the Board ceases to be an inhabitant, fails to attend any three consecutive meetings of the Board, refuses to act or dies, the remaining Board members may by by-law call a public meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such member and the provisions of subsections 2, 3, 6 and 7 of section 19 apply. Failure to attend meetings, etc.

**10.**—(1) A majority of members of the Board constitutes a quorum. Quorum

(2) The concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure. Voting

(3) All meetings of the Board shall be open to the public. Meetings open

**11.** Subject to the provisions of this Act, the Board shall by by-law establish its own procedures. Procedures

**12.**—(1) All by-laws of the Board shall be under seal. Seal

(2) The Board shall by by-law authorize the secretary and one or more members of the Board to be signing officers on behalf of the Board. Signing officers

**13.** A Board member shall not be paid any remuneration for the performance of his duties as a Board member. No remuneration

**14.**—(1) The Board shall appoint a secretary, Secretary

(a) who may be a member of the Board other than the chairman; and

(b) who shall hold office at the pleasure of the Board.

(2) The secretary before entering on the duties of office shall give security in a form and on such terms as the Minister may approve for the faithful performance of such duties and for duly accounting for and paying over all moneys that come into his hands. Security

(3) The premiums in respect of the security shall be paid by the Board. Premiums

(4) In addition to the other duties prescribed by this Act, the secretary shall, Duties

(a) attend all meetings of the Board;

(b) keep minutes of such meetings;



- (c) ensure that copies of the minutes of meetings are posted up in at least six conspicuous places;
- (d) post up notices of meetings called by the Board;
- (e) carry on correspondence as directed by the Board;
- (f) receive and safely keep all moneys paid to the Board;
- (g) maintain books of account and other records as may be required by the Board or by the Minister; and
- (h) perform such other duties as the Board may assign.

Honorarium

**15.** The Board may pay to the secretary such honorarium as the Board by by-law determines.

Public meetings

**16.** A Board shall conduct sufficient public meetings so that the inhabitants may,

- (a) participate in a discussion of the current and proposed programs of the Board;
- (b) participate in the preparation of the annual estimates of the Board; and
- (c) participate in a discussion of the annual audit report.

Notice

**17.** A notice of a public meeting other than a meeting called under section 3 or 19 shall contain the place, date, time and purpose of the meeting, the signature of the secretary or the person or persons calling the meeting, and copies of the notice shall be posted up in at least six conspicuous places in the Board area at least one week in advance of the meeting.

Improper conduct

**18.** The chairman may expel or exclude from any meeting any person including a Board member for improper conduct at the meeting.

Election meeting

**19.—(1)** In each year, the Board shall call an election meeting of the inhabitants to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

Notice

(2) At least two weeks before the election meeting, the secretary shall post up notice of the place, date and time of the election meeting in at least six conspicuous places in the Board area and shall send a copy of the notice by registered mail to the Minister.

(3) The chairman of the Board shall act as chairman of the election meeting. Chairman

(4) If the Board fails to call an election meeting before the 10th day of September, the secretary shall immediately call such a meeting by giving notice as provided in subsection 2 and shall act as the chairman of the meeting notwithstanding that the chairman of the Board attends the meeting. Failure to call meeting

(5) If in any year both the Board and the secretary fail to call an election meeting before the 15th day of September, any ten inhabitants may call a meeting and may appoint one of their number to act as chairman of the meeting and such inhabitant shall act as chairman notwithstanding that the chairman of the Board attends the meeting. Idem

(6) Any inhabitant is eligible to be elected as a member of the Board. Qualifications

(7) For all elections after the first election, the Board shall, subject to subsection 8, determine all matters relating to the conduct of elections. Conduct of elections

(8) Voting for the election of members of the Board shall be by way of secret ballot. Voting

**20.** Where the eligibility of any inhabitant to vote or to seek office is challenged, the chairman shall require that the inhabitant whose eligibility has been challenged swear an affidavit before him in Form 2 and, where the inhabitant swears such affidavit, he may thereupon vote at the meeting or be eligible to seek office. Challenge to eligibility

**21.** The Board shall hold its first meeting after the election meeting not later than the 10th day of October, and at such meeting shall elect one of its members as chairman. First meeting

**22.** On or before the 15th day of October in each year, the Minister of Revenue shall cause to be sent to the secretary of every Board a copy of that portion of the Provincial Land Tax Register showing the lands in the Board area liable to assessment and taxation under *The Provincial Land Tax Act* and the amount of the assessment. Provincial Land Tax Register  
R.S.O. 1970, c. 370

**23.—(1)** Before the 1st day of December in each year, the Board shall prepare and, after public discussion, adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the current fiscal year. Annual estimates

(2) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available Matters to be taken into account



in the current year, any operating deficit from the previous year and any debt owing to the Crown payable in the current year.

Contents of  
estimates

(3) The estimates shall set out,

(a) the amounts to be raised;

(b) the manner in which the amounts are to be raised; and

(c) the rate or rates, if any, which the Board proposes be added to the provincial land tax in the whole or any part of the Board area.

Where rates  
to be added  
under  
R.S.O. 1970,  
c. 370

(4) No rate shall be imposed under *The Provincial Land Tax Act* for the purposes of the Board, unless the rate, the purpose for which it is to be levied, and the area in which the rate is to be levied, are approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose.

Copy to  
Minister

(5) Before the 10th day of December in each year, the secretary shall send a copy of the estimates and the by-law adopting the estimates to the Minister by registered mail.

Payment  
to Board

**24.**—(1) The Minister shall pay to the Board annually out of moneys appropriated therefor by the Legislature such amount as he considers appropriate after taking into account the estimates of the Board, the moneys paid to the Board by the Minister of Revenue under section 26, the fees collected by the Board for the supply of services or the use of facilities and such other amounts as by the initiatives of the inhabitants have been raised and granted to the Board.

Idem

(2) The Minister may pay to the Board annually out of moneys appropriated therefor by the Legislature an amount equal to twice the amount that the rate or rates levied under section 26 would produce if levied in respect of the improved Crown land within the Board area.

Rates under  
R.S.O. 1970,  
c. 370

**25.**—(1) Where in any year the inhabitants have approved a rate or rates to be levied under *The Provincial Land Tax Act* as provided for in section 23, the Board may by by-law passed before the 1st day of December in that year request the Minister of Revenue to levy and collect under that Act in the next ensuing calendar year, such rate or rates in respect of properties taxable under *The Provincial Land Tax Act*.

Copy of  
by-law to  
Minister  
of Revenue

(2) The secretary shall send a copy of the by-law passed under subsection 1 to the Minister of Revenue by registered mail immediately after the passing of the by-law.

Levy under  
R.S.O. 1970,  
c. 370

**26.**—(1) Where the Minister of Revenue receives a by-law passed under subsection 1 of section 25, he shall levy in the

calendar year for which the by-law was passed the rate or rates set out in the by-law in respect of the property taxable under *The Provincial Land Tax Act* in the whole or such part of the Board area to which the rate or rates apply, and such rate or rates and the amounts imposed are deemed to be a tax and shall be shown on the tax bill for such property as "Taxes for the purposes of The Local Services Board of . . . (naming the Board)", and shall be collected as though it were for all purposes provincial land tax.

(2) Notwithstanding section 3 of *The Provincial Land Tax Act*, Exemption land belonging to the Board is exempt from taxation under *The Provincial Land Tax Act*.

(3) The Minister of Revenue shall pay to the Board the amounts Payment to Board collected under subsection 1.

**27.** The Board may by by-law establish such reserves from its Reserves revenues as the Board considers appropriate for expenditure in a subsequent fiscal year or years.

**28.** A Board may incur a debt for the purposes of the Board Debt but shall not incur any debt the payment of which is not provided for in the estimates for the current fiscal year of the Board unless,

(a) it is a debt owed to the Crown in right of Ontario; or

(b) the purpose for which the debt is to be incurred and the amount thereof is approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose and the approval of the Minister to the incurring of the debt is obtained.

**29.—(1)** A Board shall engage a public accountant licensed as Audit a municipal auditor under *The Municipal Affairs Act* to audit its R.S.O. 1970, c. 118 accounts and transactions and to make a report to it annually or more often as the board requires.

(2) The fiscal year of a Board is the year commencing on the 1st Fiscal year day of October and expiring with the 30th day of September next following.

(3) The secretary shall send a copy of the annual audit report by Copy of report to Minister registered mail to the Minister.

(4) The secretary shall permit any inhabitant at any reasonable Examination of report time to examine and copy the audit report.

(5) The Minister may at any time cause the accounts and trans- Audit required by Minister actions of a Board to be audited.

Minister  
may  
dissolve  
Board

**30.** Where the Minister determines that a Board is misusing its funds or is not administering its affairs in a proper and straightforward manner or cannot or is unlikely to be able to meet its obligations as they fall due, the Minister may by order,

- (a) dissolve the Board and call a new election;
- (b) dissolve the Board and assume the powers of the Board;  
or
- (c) dissolve the Board and the Board area and subsection 3 of section 32 applies to the order.

Proposal  
to alter  
boundaries  
or vary  
powers

**31.—**(1) Where a Board considers it desirable that the boundaries of the Board area be altered or the powers of the Board be varied, the Board shall put the proposal to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Notice

(2) Where it is proposed that the Board area be enlarged, the secretary shall post within the area proposed to be added the notice mentioned in subsection 1 and inhabitants in the area proposed to be added may attend the meeting and vote upon the proposal.

Recording  
of vote

(3) Where it is proposed that the boundaries of a Board area be altered, the secretary shall record separately the vote of the inhabitants within the area that it is proposed to be added to, or to be removed from, the Board area.

Powers of  
Minister

(4) Where a majority of the inhabitants present at the meeting vote in favour of a proposal made under subsection 1, the secretary shall forward to the Minister,

- (a) a copy of the proposal as approved at the meeting;
- (b) a statement of the results of the vote showing the vote of the inhabitants for and against the proposal; and
- (c) where it is proposed that the boundaries of the Board be altered, a statement of the vote of the inhabitants of the area it is proposed be added to or removed from the Board area,

and the Minister may make such order as he considers appropriate.

Proposal to  
dissolve  
Board

**32.—**(1) Where a board or any ten inhabitants propose that the Board be dissolved, the proposal shall be put to a vote of the

inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

(2) Where the majority of inhabitants present at the meeting approve a proposal that the Board be dissolved, the secretary shall send to the Minister a copy of the proposal together with a statement of the vote for and against the proposal, and the Minister, if he considers it appropriate, may by order dissolve the Board and the Board area. Powers of Minister

(3) In an order for dissolution, the Minister may make such provisions with respect to the transfer of liabilities and assets of the Board as he considers appropriate. Transfer of assets and liabilities

**33.** The Minister may by order prescribe a French language version of any form that is prescribed by this Act and provide for its use. Forms in French language

**34.** The Lieutenant Governor in Council may make regulations amending the Schedule hereto. Regulations

**35.** Section 21 of *The Provincial Land Tax Act*, being chapter 370 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: R.S.O. 1970, c. 370, s. 21, amended

(4) In determining for the purposes of subsection 3 the annual tax imposed under this Act no account shall be taken of any tax imposed pursuant to *The Local Services Boards Act, 1979*. Idem 1979, c. ...

**36.** This Act comes into force on the day it receives Royal Assent. Commencement

**37.** The short title of this Act is *The Local Services Boards Act, 1979*. Short title

## SCHEDULE

### 1. WATER SUPPLY

The Board may, by by-law,

(a) acquire, establish, operate and maintain works for; or

(b) contract for,

a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

### 2. FIRE PROTECTION

The Board may, by by-law,

(a) acquire, establish, operate and maintain a fire-hall, fire engines and apparatus and equipment for fire fighting and fire protection; or

(b) contract for fire protection,

and may charge a fee for the cost of such service.

### 3. GARBAGE COLLECTION

The Board may, by by-law,

(a) establish and maintain a system for the collection and removal of garbage; or

(b) contract for the collection, removal and disposal of garbage,

and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

### 4. SEWAGE

The Board may, by by-law,

(a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or

(b) contract for the collection and treatment of sewage,

and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,

(c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

### 5. STREET OR AREA LIGHTING

The Board may, by by-law,



- (a) contract with Ontario Hydro or any person for the provision of street or area lighting in the Board area; or
- (b) contract with Ontario Hydro or any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area,

and may charge a fee for the cost of such service, but no Board shall generate its own power.

## 6. RECREATION

The Board may, by by-law,

- (a) contract for the use of recreation facilities or participation in programs of recreation;
- (b) provide for the carrying out of programs of recreation; or
- (c) acquire, establish, construct, operate and maintain recreation facilities,

and may charge fees in respect of the programs of recreation or the recreation facilities, and the Board shall be deemed to be an approved corporation for the purposes of *The Community Recreation Centres Act, 1974*.

## FORM 1

### NOTICE OF MEETING

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a Local Services Board in the .....area.

The proposed Board area to be considered at the meeting is \_\_\_\_\_

\_\_\_\_\_  
(describe boundaries of proposed Board area or attach a

\_\_\_\_\_  
drawing or map depicting the proposed Board area).

The meeting will take place:

at \_\_\_\_\_  
(time)

on \_\_\_\_\_  
(day)

in \_\_\_\_\_  
(place)

Date of Notice:

Signature of Person  
calling the meeting \_\_\_\_\_

FORM 2

AFFIDAVIT OF ELIGIBILITY TO VOTE

I, \_\_\_\_\_, of  
(print name)

\_\_\_\_\_ make oath and say as follows:

- 1. I am a Canadian Citizen;
- 2. I am of the full age of eighteen years;
- (complete either 3 or 4)

If person  
making  
affidavit  
is a  
permanent  
resident

3. I do permanently reside at \_\_\_\_\_  
\_\_\_\_\_  
(a brief description of the property's location)  
in the Board area.

OR

If person  
making  
affidavit  
is not a  
permanent  
resident  
but owns  
property  
within the  
Board Area

4. I am the owner of \_\_\_\_\_  
(legal description, or if unavailable,  
\_\_\_\_\_  
a brief description of property's location)  
located in the Board area.

And I do verily believe that I am an inhabitant as defined by section 1 (c) of *The Local Services Boards Act, 1979*.

Sworn before me in the	}	_____ Signature of person making affidavit
District of		
in the Province of Ontario,		
this      day of      , 19      .		

\_\_\_\_\_  
Chairman,  
the Local Services Board of  
\_\_\_\_\_  
(Name of Local Services Board)









An Act to provide  
for the Establishment of  
Local Services Boards

*1st Reading*

June 7th, 1979

*2nd Reading*

November 13th, 1979

*3rd Reading*

November 26th, 1979

THE HON. L. BERNIER  
Minister of Northern Affairs

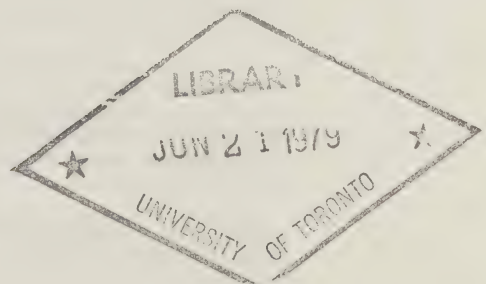
BILL 123

Government Bill

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to provide for Municipal Hydro-Electric Service  
in The Regional Municipality of Durham

THE HON. J. A. C. AULD  
Minister of Energy



#### EXPLANATORY NOTE

The Bill establishes new hydro-electric commissions for the municipalities of Ajax, Brock, Newcastle, Pickering, Scugog, Uxbridge and Whitby and a public utilities commission for the City of Oshawa.

A transitional period is provided before the new commissions become fully operational.

The control and management of the bus transportation system of the City of Oshawa is transferred to the commission established by the Bill for the City of Oshawa.

For the new Pickering Hydro-Electric Commission, the date for the commencement of the distribution and supply of power and for other related matters will be six months after the commencement date for the other new commissions, and the term of the first commissioners of the Pickering Hydro-Electric Commission will extend to the 30th day of November, 1982.

The members of each commission will be the mayor of the area municipality and additional members qualified as municipal electors in the municipality.

The council of each area municipality will determine whether after November 30th, 1980 (November 30th, 1982 in Pickering), the members of its commission should be elected or appointed.

All customers in Ajax, Oshawa, Pickering and Whitby will be supplied with power by the new commissions.

Existing customers of Ontario Hydro in Brock, Newcastle, Scugog and Uxbridge will continue to be supplied with power by Ontario Hydro until the council of the area municipality, with the consent of Ontario Hydro, directs the new commission to supply power in all areas of the municipality. In the interim, the councils are required to review the distribution and supply of power at least once in every three years.

Provision is made for the transfer of employees and the protection of their salaries and benefits.

BILL 123

1979

**An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Durham**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) “area municipality” means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge;
- (c) “Minister” means the Minister of Intergovernmental Affairs;
- (d) “municipal commission” means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 78  
R.S.O. 1970,  
c. 390
- (e) “power” means electrical power and includes electrical energy;



(f) "regulations" means the regulations made under this Act;

(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions  
established

**2.—(1)** On the day this Act comes into force, a hydro-electric commission for each area municipality is hereby established.

Application of  
R.S.O. 1970,  
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of  
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Ajax Hydro-Electric Commission.
2. Brock Hydro-Electric Commission.
3. Newcastle Hydro-Electric Commission.
4. Oshawa Public Utilities Commission.
5. Pickering Hydro-Electric Commission.
6. Scugog Hydro-Electric Commission.
7. Uxbridge Hydro-Electric Commission.
8. Whitby Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

When area  
municipality  
may deter-  
mine size of  
commission

(5) Except as otherwise provided in this Act, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection 1 in respect of the area municipality shall be two or four.

First  
commission,  
Ajax

(6) For the term expiring with the 30th day of November, 1980, the Ajax Hydro-Electric Commission established by sub-

section 1 shall consist of the mayor of the Town of Ajax and the following additional members who shall be appointed by the council of the Town of Ajax:

1. Two members of the Hydro-Electric Commission of the Town of Ajax as it existed immediately before the coming into force of this Act.
2. One member of the Public Utilities Commission of the Village of Pickering as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Ajax supplied with power by a municipal commission immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Brock Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Brock and the following additional members who shall be appointed by the council of the Township of Brock:

First  
commission,  
Brock

1. One member of the Hydro-Electric Commission of the Village of Beaverton as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Village of Cannington as it existed immediately before the coming into force of this Act.
3. One member of the Hydro-Electric Commission of Sunderland as it existed immediately before the coming into force of this Act.
4. One person who resides outside the part of the Township of Brock supplied with power by a municipal commission immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Newcastle Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Newcastle and the following four additional members who shall be appointed by the council of the Town of Newcastle:

First  
commission,  
Newcastle

1. One member of the Public Utilities Commission of the Town of Bowmanville as it existed immediately before the coming into force of this Act.

2. One member of the Public Utilities Commission of the Village of Newcastle as it existed immediately before the coming into force of this Act.
3. One member of the Hydro-Electric Commission of Orono as it existed immediately before the coming into force of this Act.
4. One person who resides outside the part of the Town of Newcastle supplied with power by a municipal commission immediately before the coming into force of this Act.

First  
commission,  
Oshawa

(9) For the term expiring with the 30th day of November, 1980, the Oshawa Public Utilities Commission established by subsection 1 shall consist of the mayor of the City of Oshawa and four additional members who shall be appointed by the council of the City of Oshawa, at least three of whom shall be as follows:

1. Two members of the Public Utilities Commission of the City of Oshawa as it existed immediately before the coming into force of this Act.
2. One person who resides outside the part of the City of Oshawa supplied with power by a municipal commission immediately before the coming into force of this Act.

First  
commission,  
Pickering

(10) For a term commencing on the day this Act comes into force and expiring with the 30th day of November, 1982, the Pickering Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Pickering and four additional members who shall be appointed by the council of the Town of Pickering.

First  
commission,  
Scugog

(11) For the term expiring with the 30th day of November, 1980, the Scugog Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Scugog and additional members who shall be appointed by the council of the Township of Scugog as follows:

1. At least one-half of the additional members shall be members of the Hydro-Electric Commission of the Village of Port Perry as it existed immediately before the coming into force of this Act.
2. At least one of the additional members shall be a person who resides outside the part of the Township of Scugog supplied with power by a municipal commission immediately before the coming into force of this Act.

(12) For the term expiring with the 30th day of November, 1980, the Uxbridge Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Uxbridge and additional members who shall be appointed by the council of the Township of Uxbridge as follows:

First  
commission,  
Uxbridge

1. At least one-half of the additional members shall be members of the Public Utilities Commission of the Township of Uxbridge as it existed immediately before the coming into force of this Act.
2. At least one of the additional members shall be a person who resides outside the part of the Township of Uxbridge supplied with power by a municipal commission immediately before the coming into force of this Act.

(13) For the term expiring with the 30th day of November, 1980, the Whitby Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Whitby and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Whitby as it existed immediately before the coming into force of this Act.

First  
commission,  
Whitby

(14) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under *The Municipal Elections Act, 1977* is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection 1 shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.

Additional  
members  
of first  
commission  
1977, c. 62

(15) For terms commencing after the 30th day of November, 1980, or, for the Pickering Hydro-Electric Commission, the 30th day of November, 1982, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 or, for the Pickering Hydro-Electric Commission, the 1st day of July, 1982, the council of the area municipality provides by by-law that the additional members shall be appointed by the council or that the additional members shall be elected by wards.

Additional  
members of  
subsequent  
commissions

(16) Where, under subsection 15, the council of an area municipality provides that the additional members shall be elected by wards and the number of additional members is greater than the number of wards, one of the additional members shall be elected from each ward and the balance of the additional members

Election  
by wards



shall be elected by general vote of the electors in the area municipality.

Idem

(17) Notwithstanding subsection 15, where the number of additional members is less than the number of wards, the council of the area municipality shall not provide that the additional members be elected by wards.

Eligibility  
of members  
of council

(18) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(19) Subject to subsection 10, a member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(20) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of  
first  
commissions

(21) The salaries of the members of the commissions established by subsection 1 for the period expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973* on the 1st day of January, 1979.

1973, c. 78

Resignations

(22) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of  
commissions  
R.S.O. 1970,  
c. 390

**3.—**(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to  
distribute  
and supply  
power

(2) Subject to sections 4 and 5, on and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting  
contracts

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for

the supply of power made under section 70 of *The Power Corporation Act*. R.S.O. 1970, c. 354

(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission. Contract with Ontario Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*. Idem R.S.O. 1970, c. 384

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2. Application of R.S.O. 1970, c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. Direct customers

4.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Newcastle, and the townships of Brock, Scugog and Uxbridge that Ontario Hydro served immediately before the coming into force of this Act. Where Ontario Hydro to distribute and supply power

(2) The duty of Ontario Hydro under subsection 1 to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under clause a of subsection 1 of section 5. Termination of duty to distribute and supply power

(3) Sections 7 and 10 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection 2. Assets and employees

5.—(1) The council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law, Supply of power in all areas of municipalities of Brock, Newcastle, Scugog, Uxbridge

(a) may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 7 and 10 shall apply with neces-

sary modifications to the assets and employees of Ontario Hydro in the municipality; or

(b) may dissolve the commission established by section 2 in respect of the municipality on a day specified by the by-law and on the specified day,

(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of  
distribution  
and supply  
of power

(2) Until such time as the power conferred by subsection 1 has been exercised,

(a) the council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 1; and

(b) where the council of the Town of Newcastle or the townships of Brock, Scugog and Uxbridge determines as provided in clause *a* that it is financially feasible for the commission established under section 2 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection 1.

Transfer of  
assets and  
liabilities

**6.—**(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

Purchase  
of retail  
distribution  
facilities  
from Ontario  
Hydro

**7.—**(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the



area municipality served by the commission, and Ontario Hydro shall sell to the commission the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers. Leased equipment

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of, Purchase price

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

(4) If the purchase price under subsection 3 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration. Where price to be determined by arbitrator

(5) Where a request is made under subsection 4 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration. Where parties unable to agree on single arbitrator

(6) Where a request is made under subsection 4 or 5 that the purchase price be determined by a board of arbitration, Arbitration board

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

Application of  
R.S.O. 1970,  
c. 25

(7) Except as otherwise provided in this section, *The Arbitrations Act* applies to subsections 4, 5 and 6.

Interpre-  
tation

(8) In subsections 4, 5 and 6, "parties" means Ontario Hydro and, in each case, the commission established by section 2.

Vesting  
of real  
property

**8.**—(1) All real property transferred by section 6 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing  
1973, c. 78,

**9.** Except as otherwise provided in this Act, sections 100 to 121 of *The Regional Municipality of Durham Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpre-  
tation

**10.**—(1) In this section, "transfer date", when used in respect of an employee of a municipal commission or Ontario Hydro,

means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Transfer of  
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or  
salaries

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

Partici-  
pation in  
O.M.E.R.S.

R.S.O. 1970,  
c. 324

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

Supple-  
mentary  
agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees

Transfer of  
pension credits  
from Ontario  
Hydro Plan

Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension  
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

Group life  
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life  
insurance  
provided to  
pensioners

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by



a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. Special circumstances

**11.**—(1) On and after the 1st day of January, 1980, the control and management of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa is entrusted to the Oshawa Public Utilities Commission established by section 2. Oshawa bus transportation system

(2) Sections 6 and 10 apply with necessary modifications in respect of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa. Application of ss. 6, 10

**12.** With respect to the Pickering Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 7 and 10 shall be deemed to be a date six months after the mentioned date. Pickering Hydro-Electric Commission

**13.** For the purposes of section 143 of *The Regional Municipality of Durham Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973*, and on that date the municipal commissions are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution of existing commissions 1973, c. 78  
R.S.O. 1970, c. 390

**14.** The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 3 of section 7 in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,

- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
  - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
  - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
  - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** The short title of this Act is *The Durham Municipal Hydro-Electric Service Act, 1979*.









An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Durham

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*1st Reading*

June 7th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. J. A. C. AULD  
Minister of Energy

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*(Government Bill)*

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28 40  
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-856

PUBLISHED

BILL 123

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3RD SESSION, 31ST LEGISLATURE, <sup>1</sup>ONTARIO  
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An Act to provide for Municipal Hydro-Electric Service  
in The Regional Municipality of Durham

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THE HON. J. A. C. AULD  
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TORONTO

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BILL 123

1979

**An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Durham**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) “area municipality” means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge;
- (c) “Minister” means the Minister of Intergovernmental Affairs;
- (d) “municipal commission” means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 78  
R.S.O. 1970,  
c. 390
- (e) “power” means electrical power and includes electrical energy;

(f) "regulations" means the regulations made under this Act;

(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions  
established

**2.—(1)** On the day this Act comes into force, a hydro-electric commission for each area municipality is hereby established.

Application of  
R.S.O. 1970,  
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of  
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Ajax Hydro-Electric Commission.
2. Brock Hydro-Electric Commission.
3. Newcastle Hydro-Electric Commission.
4. Oshawa Public Utilities Commission.
5. Pickering Hydro-Electric Commission.
6. Scugog Hydro-Electric Commission.
7. Uxbridge Hydro-Electric Commission.
8. Whitby Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

When area  
municipality  
may deter-  
mine size of  
commission

(5) Except as otherwise provided in this Act, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection 1 in respect of the area municipality shall be two or four.

First  
commission,  
Ajax

(6) For the term expiring with the 30th day of November, 1980, the Ajax Hydro-Electric Commission established by sub-



section 1 shall consist of the mayor of the Town of Ajax and the following additional members who shall be appointed by the council of the Town of Ajax:

1. Two members of the Hydro-Electric Commission of the Town of Ajax as it existed immediately before the coming into force of this Act.
2. One member of the Public Utilities Commission of the Village of Pickering as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Ajax supplied with power by a municipal commission immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Brock Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Brock and the following additional members who shall be appointed by the council of the Township of Brock:

First  
commission,  
Brock

1. One member of the Hydro-Electric Commission of the Village of Beaverton as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Village of Cannington as it existed immediately before the coming into force of this Act.
3. One member of the Hydro-Electric Commission of Sunderland as it existed immediately before the coming into force of this Act.
4. One person who resides outside the part of the Township of Brock supplied with power by a municipal commission immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Newcastle Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Newcastle and the following four additional members who shall be appointed by the council of the Town of Newcastle:

First  
commission,  
Newcastle

1. One member of the Public Utilities Commission of the Town of Bowmanville as it existed immediately before the coming into force of this Act.

2. One member of the Public Utilities Commission of the Village of Newcastle as it existed immediately before the coming into force of this Act.
3. One member of the Hydro-Electric Commission of Orono as it existed immediately before the coming into force of this Act.
4. One person who resides outside the part of the Town of Newcastle supplied with power by a municipal commission immediately before the coming into force of this Act.

First  
commission,  
Oshawa

(9) For the term expiring with the 30th day of November, 1980, the Oshawa Public Utilities Commission established by subsection 1 shall consist of the mayor of the City of Oshawa and four additional members who shall be appointed by the council of the City of Oshawa, at least three of whom shall be as follows:

1. Two members of the Public Utilities Commission of the City of Oshawa as it existed immediately before the coming into force of this Act.
2. One person who resides outside the part of the City of Oshawa supplied with power by a municipal commission immediately before the coming into force of this Act.

First  
commission,  
Pickering

(10) For a term commencing on the day this Act comes into force and expiring with the 30th day of November, 1982, the Pickering Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Pickering and four additional members who shall be appointed by the council of the Town of Pickering.

First  
commission,  
Scugog

(11) For the term expiring with the 30th day of November, 1980, the Scugog Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Scugog and additional members who shall be appointed by the council of the Township of Scugog as follows:

1. At least one-half of the additional members shall be members of the Hydro-Electric Commission of the Village of Port Perry as it existed immediately before the coming into force of this Act.
2. At least one of the additional members shall be a person who resides outside the part of the Township of Scugog supplied with power by a municipal commission immediately before the coming into force of this Act.

(12) For the term expiring with the 30th day of November, 1980, the Uxbridge Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Uxbridge and additional members who shall be appointed by the council of the Township of Uxbridge as follows:

First  
commission.  
Uxbridge

1. At least one-half of the additional members shall be members of the Public Utilities Commission of the Township of Uxbridge as it existed immediately before the coming into force of this Act.
2. At least one of the additional members shall be a person who resides outside the part of the Township of Uxbridge supplied with power by a municipal commission immediately before the coming into force of this Act.

(13) For the term expiring with the 30th day of November, 1980, the Whitby Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Whitby and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Whitby as it existed immediately before the coming into force of this Act.

First  
commission.  
Whitby

(14) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under *The Municipal Elections Act, 1977* is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection 1 shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.

Additional  
members  
of first  
commission  
1977, c. 62

(15) For terms commencing after the 30th day of November, 1980, or, for the Pickering Hydro-Electric Commission, the 30th day of November, 1982, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 or, for the Pickering Hydro-Electric Commission, the 1st day of July, 1982, the council of the area municipality provides by by-law that the additional members shall be appointed by the council or that the additional members shall be elected by wards.

Additional  
members of  
subsequent  
commissions

(16) Where, under subsection 15, the council of an area municipality provides that the additional members shall be elected by wards and the number of additional members is greater than the number of wards, one of the additional members shall be elected from each ward and the balance of the additional members

Election  
by wards

shall be elected by general vote of the electors in the area municipality.

Idem

(17) Notwithstanding subsection 15, where the number of additional members is less than the number of wards, the council of the area municipality shall not provide that the additional members be elected by wards.

Eligibility  
of members  
of council

(18) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(19) Subject to subsection 10, a member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(20) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of  
first  
commissions

(21) The salaries of the members of the commissions established by subsection 1 for the period expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973* on the 1st day of January, 1979.

1973, c. 78

Resignations

(22) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of  
commissions  
R.S.O. 1970,  
c. 390

**3.—**(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to  
distribute  
and supply  
power

(2) Subject to sections 4 and 5, on and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting  
contracts

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for



the supply of power made under section 70 of *The Power Corporation Act*. R.S.O. 1970, c. 354

(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission. Contract with Ontario Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*. Idem R.S.O. 1970, c. 284

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2. Application of R.S.O. 1970, c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. Direct customers

4.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Newcastle, and the townships of Brock, Scugog and Uxbridge that Ontario Hydro served immediately before the coming into force of this Act. Where Ontario Hydro to distribute and supply power

(2) The duty of Ontario Hydro under subsection 1 to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under clause a of subsection 1 of section 5. Termination of duty to distribute and supply power

(3) Sections 7 and 10 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection 2. Assets and employees

5.—(1) The council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law, Supply of power in all areas of municipalities of Brock, Newcastle, Scugog, Uxbridge

(a) may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 7 and 10 shall apply with neces-

sary modifications to the assets and employees of Ontario Hydro in the municipality; or

- (b) may dissolve the commission established by section 2 in respect of the municipality on a day specified by the by-law and on the specified day,
  - (i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and
  - (ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of  
distribution  
and supply  
of power

(2) Until such time as the power conferred by subsection 1 has been exercised,

- (a) the council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 1; and
- (b) where the council of the Town of Newcastle or the townships of Brock, Scugog and Uxbridge determines as provided in clause *a* that it is financially feasible for the commission established under section 2 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection 1.

Transfer of  
assets and  
liabilities

**6.—**(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

Purchase  
of retail  
distribution  
facilities  
from Ontario  
Hydro

**7.—**(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the

area municipality served by the commission, and Ontario Hydro shall sell to the commission the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers. Leased equipment

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of, Purchase price

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

(4) If the purchase price under subsection 3 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration. Where price to be determined by arbitration

(5) Where a request is made under subsection 4 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration. Where parties unable to agree on single arbitrator

(6) Where a request is made under subsection 4 or 5 that the purchase price be determined by a board of arbitration, Arbitration board

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.



Application of  
R.S.O. 1970,  
c. 25

(7) Except as otherwise provided in this section, *The Arbitrations Act* applies to subsections 4, 5 and 6.

Interpre-  
tation

(8) In subsections 4, 5 and 6, "parties" means Ontario Hydro and, in each case, the commission established by section 2.

Vesting  
of real  
property

**8.**—(1) All real property transferred by section 6 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition  
of real  
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,  
c. 390

Borrowing  
1973, c. 78,

**9.** Except as otherwise provided in this Act, sections 100 to 121 of *The Regional Municipality of Durham Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpre-  
tation

**10.**—(1) In this section, "transfer date", when used in respect of an employee of a municipal commission or Ontario Hydro,

means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Transfer of employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or salaries

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

Participation in O.M.E.R.S.

R.S.O. 1970, c. 324

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

Supplementary agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees

Transfer of pension credits from Ontario Hydro Plan

Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension  
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

Group life  
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life  
insurance  
provided to  
pensioners

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by

a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. Special circumstances

**11.**—(1) On and after the 1st day of January, 1980, the control and management of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa is entrusted to the Oshawa Public Utilities Commission established by section 2. Oshawa bus transportation system

(2) Sections 6 and 10 apply with necessary modifications in respect of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa. Application of ss. 6, 10

**12.** With respect to the Pickering Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 7 and 10 shall be deemed to be a date six months after the mentioned date. Pickering Hydro-Electric Commission

**13.** For the purposes of section 143 of *The Regional Municipality of Durham Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973*, and on that date the municipal commissions are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution of existing commissions 1973, c. 78  
R.S.O. 1970, c. 390

**14.** The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 3 of section 7 in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

(iii) the method of determining the amount of any component of the accumulated net retail equity,



- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
  - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
  - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
  - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** The short title of this Act is *The Durham Municipal Hydro-Electric Service Act, 1979*.









# BILL 123

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An Act to provide for  
Municipal Hydro-Electric Service in  
The Regional Municipality of Durham

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*1st Reading*

June 7th, 1979

*2nd Reading*

June 19th, 1979

*3rd Reading*

June 19th, 1979

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THE HON. J. A. C. AULD  
Minister of Energy

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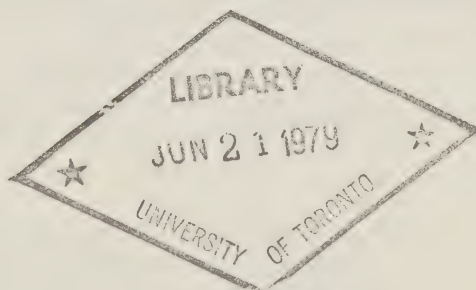
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BILL 124

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, <sup>2</sup>ONTARIO  
28 ELIZABETH II, 1979  
*Regular Member*

An Act to amend The Municipal Act

Mr. ISAACS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to require a municipal council to hold a by-election to fill a vacancy on the council where a vacancy occurs when more than thirteen months remains in the term of office. In cases where a vacancy occurs with less than thirteen months remaining in the term of office, a municipal council continues to have the option of filling the vacancy by election or by appointment unless the vacancy occurs after the 31st day of March in an election year, in which case, the council may only fill the vacancy by appointment.

BILL 124

1979

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 45 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 11, is repealed and the following substituted therefor: s. 45,  
re-enacted

45.—(1) In this section, “election year” means a year in which a regular election is held in accordance with the provisions of *The Municipal Elections Act, 1977*. Interpre-  
tation  
1977, c. 62

(2) Where a vacancy occurs in the office of a member of the council of a local municipality before the 1st day of November in the year before an election year, the council shall by by-law require an election to be held to fill the vacancy, and, where the council passes such a by-law, the clerk of the municipality shall hold a new election in accordance with the provisions of *The Municipal Elections Act, 1977*. Filling vacancy  
by election

(3) Where a vacancy occurs in the office of a member of the council of a local municipality on or after the 1st day of November in the year before an election year and before the 31st day of March in the election year, the council may by by-law require an election to be held to fill the vacancy, and, where the council passes such a by-law, the clerk of the municipality shall hold a new election in accordance with the provisions of *The Municipal Elections Act, 1977*. Idem

(4) Where a vacancy occurs in the office of a member of the council of a local municipality after the 31st day of March in an election year, the vacancy shall not be filled by a new election but the council may fill such vacancy in accordance with the provisions of section 44. Vacancy after  
March 31st of  
election year

Election  
directed in  
judicial pro-  
ceedings

(5) Subject to subsection 3, where a direction is given in any judicial proceedings to hold an election to fill a vacancy on a council, the clerk of the municipality shall hold a new election to fill the vacancy in accordance with *The Municipal Elections Act, 1977*.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Municipal Amendment Act, 1979*.









An Act to amend  
The Municipal Act

*1st Reading*

June 7th, 1979

*2nd Reading*

*3rd Reading*

MR. ISACS

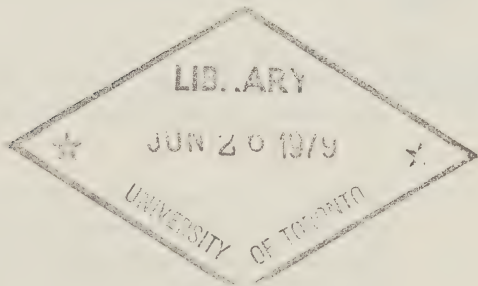
*(Private Member's Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

*Legislative Council*

**An Act to amend  
The Ontario Water Resources Act**

MR. GERMA



#### EXPLANATORY NOTE

The purpose of the Bill is to prohibit mining activity in bodies of water that serve or are likely to serve as sources of community drinking water. The Bill provides for the issuance of permits to authorize any mining activity that is in the public interest. Mining activity undertaken without the authority of a licence is constituted as an offence.

BILL 125

1979

## An Act to amend The Ontario Water Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, 1973, chapter 90, section 1, 1974, chapter 19, section 1 and 1975, chapter 71, section 1, is further amended by relettering clause *qa*, as enacted by the Statutes of Ontario, 1974, chapter 19, section 1, as clause *qb* and by adding thereto the following clause: s. 1,  
amended

(qa) “source of community drinking water” means any body of water that is used or is likely to be used as a public source of drinking water by any municipality or other community in Ontario.

2. The said Act is amended by adding thereto the following section: s. 39a,  
enacted

39a.—(1) The Ministry shall prepare and publish in *The Ontario Gazette* a list of the names of all sources of community drinking water in Ontario. List of  
sources of  
community  
drinking  
water

(2) No person shall prospect, mine or stake out any mining claim in the bed of any body of water listed as a source of community drinking water in *The Ontario Gazette* without a permit issued by a Director. Mining of  
bed of listed  
water sources  
prohibited

(3) A Director, where he considers it advisable and in the public interest, may issue a permit referred to in subsection 2, and the Director may, in his discretion, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as he considers proper and may alter the terms and conditions of a permit after it is issued. Permit

(4) Every person who knowingly contravenes subsection 2 or any of the terms and conditions of a permit issued by a Offence

Director is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Ontario Water Resources Amendment Act, 1979*.









BILL 125

An Act to amend  
The Ontario Water Resources Act

*1st Reading*

June 12th, 1979

*2nd Reading*

*3rd Reading*

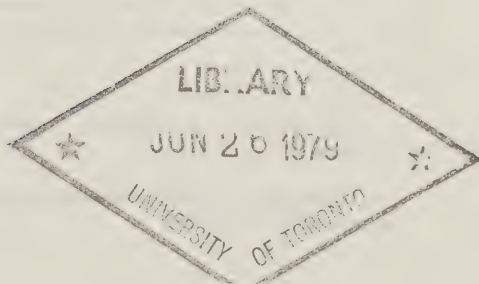
MR. GERMA

*(Private Member's Bill)*

3RD SESSION, 31ST LEGISLATURE, <sup>1</sup>ONTARIO  
28 ELIZABETH II, 1979 *27 Leg. J. June 11*

An Act to amend  
The Employment Standards Act, 1974

MR. CHARLTON



#### EXPLANATORY NOTE

The purpose of the Bill is to extend to persons who are employed as domestic servants the minimum standards of employment established by Parts IV, V, VI, VII and VIII of *The Employment Standards Act, 1974*.

SECTION 1. Section 3(f) of Ontario Regulation 803/75 currently reads as follows:

3. *Parts IV, V, VI, VII and VIII of the Act do not apply to a person employed,*

*(f) as a domestic servant; or*

The effect of section 1 of the Bill will be to revoke this provision in the regulations.

SECTION 2.—Subsection 1. Section 40 (1) (a) of the Act currently reads as follows:

- 40.—(1) *No Employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,*

*(a) one week's notice in writing to the employee if his period of employment is less than two years;*

The provision, as amended, provides for a two week notice prior to termination.

Subsection 2. This provision is complementary to the amendment contained in section 2 (1) of the Bill.

BILL 126

1979

## An Act to amend The Employment Standards Act, 1974

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby declared that Parts IV, V, VI, VII and VIII of *The Employment Standards Act, 1974*, being chapter 112, apply to a person who is employed as a domestic servant and clause *f* of section 3 of Ontario Regulation 803/75 is revoked.
 

Declaration  
re Parts IV  
to VIII of  
1974, c. 112;  
O. Reg. 803/75,  
s. 3 (*f*),  
revoked
- 2.—(1) Clause *a* of subsection 1 of section 40 of the said Act is repealed and the following substituted therefor:
 

s. 40 (1) (*a*),  
re-enacted

  - (a) two weeks notice in writing to the employee if his period of employment is less than five years.
- (2) Clause *b* of subsection 1 of the said section 40 is repealed.
 

s. 40 (1) (*b*),  
repealed
3. This Act comes into force on the day it receives Royal Assent.
 

Commence-  
ment
4. The short title of this Act is *The Employment Standards Amendment Act, 1979*.
 

Short title



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An Act to amend  
The Employment Standards Act, 1974

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*1st Reading*

June 12th, 1979

*2nd Reading*

*3rd Reading*

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MR. CHARLTON

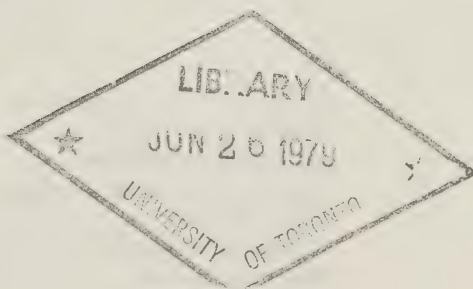
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*(Private Member's Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act to revise  
The Pits and Quarries Control Act, 1971

THE HON. J. A. C. AULD  
Minister of Natural Resources



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#### EXPLANATORY NOTES

This Bill flows from the Report of the Ontario Mineral Aggregate Working Party that was submitted to the Minister of Natural Resources in December, 1976.

The Working Party was established to recommend an effective and broadly acceptable mineral aggregate resource management policy for the Province of Ontario.

Many of the features of the Report and of this Bill are the result of the experience gained by the various interests concerned with *The Pits and Quarries Control Act, 1971*.

The new Act has three purposes:

1. To provide for the management of the aggregate and Crown aggregate resources of Ontario.
2. To control and regulate pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries.
3. To require the rehabilitation of land from which aggregate or Crown aggregate has been excavated.

BILL 127

1979

**An Act to revise  
The Pits and Quarries Control  
Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "aggregate" means gravel, sand, clay, shale, stone, earth or other prescribed material but does not include Crown aggregate;
- (b) "Board" means the Ontario Municipal Board;
- (c) "Commissioner" means the Mining and Lands Commissioner;
- (d) "Crown aggregate" means gravel, sand, clay, shale, limestone, dolomite, sandstone, marble, granite, quartz, feldspar, fluorspar, gypsum, diatomaceous earth, marl, peat or other prescribed material that is the property of the Crown, but does not include aggregate;
- (e) "Crown aggregate pit or quarry" means land from which consolidated or unconsolidated Crown aggregate, as the case may be, has been, is being or may be excavated;
- (f) "established pit or quarry" means a pit or quarry or a wayside pit or quarry from which, in the opinion of the Minister, a substantial amount of aggregate has been excavated within the two-year period immediately before the part of Ontario in which the pit or quarry or wayside pit or quarry is located was designated under subsection 2 of section 5;
- (g) "final rehabilitation" means rehabilitation done in accordance with this Act, the regulations, the conditions

of the licence or permit and the requirements of the site plan, after the excavation of aggregate or Crown aggregate, as the case may be, and the progressive rehabilitation, if any, have been completed;

R.S.O. 1970,  
c. 201

- (h) "highway" has the same meaning as in *The Public Transportation and Highway Improvement Act* and includes an unopened road allowance;
- (i) "inspector" means any employee of the Ministry who is designated in writing by the Minister as an inspector for the purposes of this Act;
- (j) "licence" means a licence for a pit or quarry issued under this Act;
- (k) "licensee" means a person who holds a licence;
- (l) "Minister" means the Minister of Natural Resources;
- (m) "Ministry" means the Ministry of Natural Resources;
- (n) "permit" means a permit for a wayside pit or quarry or a Crown aggregate pit or quarry issued under this Act;
- (o) "permittee" means a person who holds a permit;
- (p) "pit" means land from which unconsolidated aggregate has been, is being or may be excavated, but does not include,
  - (i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a pit, or
  - (ii) a wayside pit;
- (q) "prescribed" means prescribed by the regulations;
- (r) "progressive rehabilitation" means rehabilitation done sequentially in accordance with this Act, the regulations, the conditions of the licence or permit and the requirements of the site plan during the period that aggregate or Crown aggregate is being excavated;
- (s) "public authority" includes the Crown, a Crown agency within the meaning of *The Crown Agency Act*, a municipality or local board as defined in *The Municipal Affairs Act*, an authority within the meaning of *The Conservation Authorities Act*, and Ontario Hydro;

R.S.O. 1970,  
cc. 100, 118,  
78



- (t) “quarry” means land from which consolidated aggregate has been, is being or may be excavated, but does not include,
  - (i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a quarry, or
  - (ii) a wayside quarry;
- (u) “regional municipality” includes a district municipality and The Municipality of Metropolitan Toronto;
- (v) “regulations” means the regulations made under this Act;
- (w) “rehabilitate” means to treat land from which aggregate or Crown aggregate has been excavated so that the use or condition of the land,
  - (i) is restored to its former use or condition, or
  - (ii) is changed to another use or condition that is or will be compatible with the use of adjacent land,
 and “rehabilitation” has a corresponding meaning;
- (x) “site” means the land to which a licence or permit or an application therefor relates;
- (y) “Treasurer” means the Treasurer of Ontario and Minister of Economics;
- (z) “wayside pit or quarry” means land from which consolidated or unconsolidated aggregate, as the case may be, has been, is being or may be excavated for use in a project of a public authority and that is located outside the limits of the right of way of a highway, but does not include a pit or quarry. 1971, c. 96, s. 1, *amended*.

## PART I

### GENERAL

#### 2. The purposes of this Act are,

Purposes  
of Act

- (a) to provide for the management of the aggregate and Crown aggregate resources of Ontario;

(b) to control and regulate pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries; and

(c) to require the rehabilitation of the land from which aggregate or Crown aggregate has been excavated. *New.*

Administration  
of Act

**3.**—(1) The Minister is responsible for the administration of this Act and the regulations.

Item

(2) In administering this Act, the Minister may,

(a) conduct research related to technical matters pertaining to the aggregate industry, including the transportation of aggregates and the rehabilitation of pits and quarries;

(b) locate geological deposits that may yield aggregate of commercial qualities and quantities;

(c) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;

(d) collect, analyze and publish statistics related to the aggregate industry;

(e) conduct studies related to the uses of aggregates and the economics and operations of the aggregate industry;

(f) advise ministries and municipalities on planning matters related to aggregates, including the preparation and approval of official plans and restricted area by-laws;

(g) conduct studies related to abandoned pits and quarries;

(h) conduct studies on environmental matters related to pits and quarries;

(i) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;

(j) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries; and

(k) employ any person to perform work in connection with any matter mentioned in this Act. *New.*

4.—(1) The Minister may designate in writing any employee of the Ministry as an inspector for the purposes of this Act. 1971, c. 96, s. 1 (c), *amended*. Designation of inspectors

(2) An inspector may, for the purpose of carrying out his duties, Powers of inspectors

- (a) enter any land or business premises at any reasonable time;
- (b) require the production of a licence, a permit, a record respecting aggregate or Crown aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof; and
- (c) alone, or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. 1971, c. 96, s. 13 (1), *amended*.

5.—(1) This Act and the regulations apply only in the parts of Ontario that have been designated under *The Pits and Quarries Control Act*, 1971 or that are designated under subsection 2. *New*. Present designated parts continued 1971, c. 96

(2) The Lieutenant Governor in Council may designate parts of Ontario in which this Act and the regulations apply. 1971, c. 96, s. 2, *amended*. Designation of parts

6. This Act, except Part V and, subject to subsection 2 of section 47, Part VI, binds the Crown and its agents. *New*. Act binds the Crown

## PART II

### PIT AND QUARRY LICENCES

7.—(1) Any person may apply to the Minister in the prescribed form, Application for licence

- (a) for a Class A licence to excavate annually more than 20,000 tonnes of aggregate from a pit or quarry; or
- (b) for a Class B licence to excavate annually 20,000 tonnes or less of aggregate from a pit or quarry.

(2) Every application for a licence shall be accompanied by, Idem

- (a) five copies of the site plan referred to in section 8;

(b) if the application is for a Class A licence, five copies of the report referred to in section 9;

(c) the information referred to in section 10; and

(d) the prescribed application fee. 1971, c. 96, s. 4, *amended*.

Additional  
information

(3) The Minister may require an applicant for a licence to furnish him with additional information in such form and manner as he considers necessary, and, until the information is furnished to his satisfaction, he may refuse to consider the application further. *New*.

Site plans  
for Class A  
licences

**8.—(1)** The site plan accompanying an application for a Class A licence shall show,

(a) a key map showing the location of the site;

(b) a general description of the site, including lot and concession lines, if any;

(c) the shape, dimensions and hectarage of the site;

(d) the use of the land and the location and the use of the buildings and other structures within 150 metres of the site;

(e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;

(f) the location of the excavation setback limits;

(g) the location of fences and any significant natural features;

(h) the location of tree screens and the species and types of the trees;

(i) the location of earth berms and their height and slope;

(j) the topography of the site including existing and estimated final contours and spot elevations;

(k) every entrance to and exit from the site;

(l) all roads on the site;

- (m) the water table and any existing and proposed drainage facilities on the site;
- (n) the location of water wells within 150 metres of the site;
- (o) the maximum depth of excavation and whether it is intended to excavate below the water table;
- (p) the sequence or direction of operation; and
- (q) the progressive rehabilitation and final rehabilitation plans,

and may show such other information as the applicant considers advisable. 1971, c. 96, s. 4 (2), *amended*.

(2) The information required under subsection 1 shall be presented under three headings on at least three separate sheets of paper as follows: Idem

- 1. Existing Features
- 2. Sequence or Direction of Operation
- 3. Rehabilitation Plans,

and shall be at a scale of 1:2000, 1:5000 or in any particular case at such other scale as the Minister may approve.

(3) Every site plan accompanying an application for a Class A licence shall be certified by a professional engineer who is a member of the Association of Professional Engineers of the Province of Ontario, an Ontario land surveyor, who is a member of the Association of Ontario Land Surveyors, a landscape architect who is a member of the Ontario Association of Landscape Architects, or any other qualified person approved in writing by the Minister that the site plan has been prepared by him. *New.* Certification

(4) The site plan accompanying an application for a Class B licence shall be in the prescribed form and shall show, Site plans for Class B licences

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the existing and estimated final elevations of the site;

- (e) the use of the land and the location and use of the buildings and other structures within 150 metres of the site;
- (f) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (g) the location of the excavation setback limits;
- (h) the location of fences and any significant natural features;
- (i) the location of tree screens and the species and types of the trees;
- (j) the location of earth berms and their height and slope;
- (k) every entrance to and exit from the site;
- (l) existing and proposed drainage facilities on the site;
- (m) the sequence or direction of operation; and
- (n) the progressive rehabilitation and final rehabilitation plans,

and may show such other information as the applicant considers advisable. 1971, c. 96, s. 4 (3), amended.

Signature

(5) Every site plan accompanying an application for a Class B licence shall be signed by the applicant. *New.*

Report

**9.** The report accompanying an application for a Class A licence shall provide information,

- (a) as to the suitability of the rehabilitation plans having regard to the character of the surrounding lands;
- (b) respecting the quality and quantity of the aggregate on the site;
- (c) as to the main haulage routes to and from the site and the traffic density thereon;
- (d) supplementing clause *m* of subsection 1 of section 8;
- (e) describing the location and size of existing and proposed stockpiles of aggregate, topsoil and subsoil; and



(f) respecting any planning and land use considerations, and may provide such other information as the applicant considers advisable. *New.*

**10.** An applicant for a licence shall furnish information in a manner satisfactory to the Minister showing that the location of the land described in the site plan accompanying the application complies with any relevant restricted area by-law, but if the Minister is of the opinion that doubt exists as to whether or not there is compliance, he may require the applicant to refer the matter to the Supreme Court for a declaratory judgement on the matter. *New.*

Compliance  
with  
restricted  
area  
by-laws

**11.** The Minister in considering an application for a licence shall have regard to,

Matters to  
be considered  
by Minister

- (a) any comments provided by the municipalities in which the site is located;
- (b) proper management of the aggregate resources of the Province;
- (c) the rehabilitation of the site;
- (d) the main haulage routes to and from the site and the traffic density thereon;
- (e) any possible effects on ground and surface water patterns;
- (f) any related planning and land use considerations;
- (g) the effect of the operation on nearby communities; and
- (h) such other matters as he considers appropriate. 1971, c. 96, s. 6 (1), *amended*.

**12.—(1)** Where the Minister is satisfied that an application for a licence and the documents accompanying it comply with this Act and the regulations, he shall serve a copy of it and the documents accompanying it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment. *New.*

Copies to  
municipalities

**(2)** On the day that the Minister serves a copy of an application and the accompanying documents under subsection 1, he shall fix a day forty-five days hence as the last day upon which objections in writing may be served upon him. 1971, c. 96, s. 5 (1), *amended*.

Last day  
for filing  
objections



Notice by  
Minister

(3) On the day that the Minister serves a copy of an application and the accompanying documents under subsection 1, the Minister shall serve the applicant with notice that the applicant must cause notice of his application in the prescribed form to be published forthwith in two successive issues of a newspaper having general circulation in the locality in which the site is located. 1971, c. 96, s. 5 (2), *amended*.

Notice of  
publication

(4) As soon as the publication of the notice has been completed, the applicant shall notify the Minister thereof. *New*.

Notice of  
objection

(5) Any person, including any municipality, may serve upon the Minister on or before the day fixed under subsection 2 a notice that he or it objects to the issue of the licence applied for and the reasons therefor.

Notice  
requiring  
hearing

(6) Any person who has served a notice under subsection 5 may, in addition, serve upon the Minister on or before the day fixed under subsection 2 a notice that he requires a hearing of the matter before the Board.

Reference  
to Board  
for a  
hearing

(7) Upon receipt of a notice under subsection 6 that in the opinion of the Minister discloses an interest in the matter that is sufficiently substantial to warrant a hearing and is not frivolous or vexatious, he shall refer the application and the objections to the Board for a hearing. 1971, c. 96, s. 5 (3), *amended*.

Idem

(8) The Minister may, on his own motion, refer an application and the objections, if any, to the Board for a hearing. 1971, c. 96, s. 5 (4), *amended*.

What Board  
may consider  
at hearing  
R.S.O. 1970,  
c. 349

(9) Where, under *The Planning Act*, an application for an amendment to any relevant restricted area by-law is before the Board for a hearing and an application under this Act is referred to the Board under subsection 7 or 8, the Board may consider both matters at one hearing. *New*.

Issue of  
licences

**13.—**(1) The Minister may in his discretion issue a licence subject to such conditions as he considers necessary.

Changes of  
conditions

(2) The Minister may at any time add a condition to a licence or rescind or vary a condition of a licence.

Restricted  
area  
by-laws

(3) The Minister may, subject to subsection 4 of section 64 and subsection 5 of section 65, issue a licence only if the location of the pit or quarry complies with any relevant restricted area by-law. 1971, c. 96, s. 6 (2), *amended*.

Copies to  
municipalities

(4) Where the Minister has issued a licence, he shall serve a copy of it upon the clerk of the regional municipality or county, as

the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

**14.**—(1) Every licensee shall pay to the Treasurer on or before the 15th day of March in each year his annual licence fee for the previous year calculated in accordance with the regulations and, if it is not so paid, the Minister may revoke the licence. *Annual licence fees*

(2) When a licence is revoked under subsection 1, subsections 2 to 6 of section 21 do not apply. *No notice or hearing*

(3) The prescribed percentage of the total of the annual licence fees shall be disbursed to such municipalities and in such amounts and manner as are prescribed. *Disbursal of annual licence fees*

(4) The prescribed percentage of the total of the annual licence fees shall be set apart as a fund for the purposes mentioned in subsection 2 of section 33. *New.* *Rehabilitation of abandoned pits and quarries*

**15.** Every licensee shall operate his pit or quarry in accordance with this Act, the regulations, the conditions of his licence and the requirements of his site plan. 1971, c. 96, ss. 3, 4 (4), *part, amended.* *Duties of licensees*

**16.**—(1) The Minister may at any time require a licensee to amend his site plan. *New.* *Amendment of site plans*

(2) A licensee may, with the approval in writing of the Minister, at any time amend his site plan. 1971, c. 96, s. 4 (4), *part, amended.* *Idem*

**17.**—(1) The Minister at least once a year shall, *Annual inspection and review*

(a) inspect each site; and

(b) review each site plan and the conditions of each licence,

for the purpose of assessing the licensee's compliance with this Act, the regulations, the conditions of the licence and the requirements of the site plan. 1971, c. 96, s. 7 (1), *amended.*

(2) For the purpose of each fifth review under subsection 1, the Minister shall request in writing the council of the regional municipality or county, as the case may be, and the council of the local municipality in which each pit or quarry is located to send to him within forty-five days after receiving the request their comments respecting each pit or quarry. *Municipal comments every five years*

(3) Where a site plan is served upon the Minister under subsection 5 of section 64, each fifth year for the purpose of subsection 2 *Idem*

shall be calculated from the year in which such service is made upon the Minister. *New.*

Transfer of  
licences

**18.**—(1) Upon application in the prescribed form accompanied by the prescribed transfer fee and the documents required under clauses *a* and *b* of subsection 2 of section 7, the Minister may consent to the transfer of a licence. 1971, c. 96, s. 14, *amended.*

Transfer of  
rehabilitation  
security

(2) Upon the transfer of a licence, any sum in the rehabilitation security account of the transferor shall be transferred to an account in the name of the transferee and the right, title and interest in such sum vest in the transferee. *New.*

Surrender  
of licences

**19.**—(1) Upon being satisfied that a licensee's annual fee and his rehabilitation security are not in arrears and that his rehabilitation work has been done in accordance with this Act, the regulations, the conditions of his licence and the requirements of his site plan, the Minister may accept the surrender of his licence.

Disposition  
of surplus  
rehabilitation  
moneys

(2) Where any sum remains in the former licensee's rehabilitation security account when the Minister accepts the surrender of his licence, the sum so remaining shall be paid by the Treasurer to the former licensee. *New.*

Death of  
licensee

**20.** One year after a sole licensee dies, his licence expires unless within that period his personal representative applies to the Minister to allow him to operate the pit or quarry for such period as in the opinion of the Minister, having regard to the circumstances of the particular case, is sufficient to allow the personal representative to dispose of the pit or quarry and, if the pit or quarry is not disposed of within that period, or within such further period as the Minister may allow, the Minister shall revoke the licence. *New.*

Refusal to  
issue and  
refusal to  
transfer of  
licences

**21.**—(1) The Minister may in his discretion refuse to issue or refuse to consent to the transfer of a licence.

Revocation  
of licences

(2) The Minister may revoke a licence for any contravention of this Act, the regulations, the conditions of the licence or the requirements of the site plan. 1971, c. 96, s. 7 (2), *amended.*

Notice to  
licensee

(3) Where the Minister has,

- (a) refused to issue a licence and the application has not been referred to the Board for a hearing under section 12;
- (b) refused to consent to the transfer of a licence;
- (c) revoked a licence;
- (d) required a site plan to be amended; or

- (e) after the issue of a licence, added a condition to a licence or rescinded or varied a condition of a licence,

he shall serve forthwith notice thereof including the reasons therefor upon the applicant or licensee, and upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located.

(4) Any action of the Minister under subsection 3 is effective as soon as the notice mentioned in that subsection is served upon the applicant or licensee and, notwithstanding that the applicant or licensee requires a hearing by the Board, remains effective until the Minister takes action after considering the report of the Board.

Time of  
taking  
effect

(5) The notice under subsection 3 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he serves, within thirty days after the notice under subsection 3 is served upon him, the Minister with notice that he requires a hearing.

Notice  
requiring  
a hearing

(6) Where the applicant or licensee serves the Minister with notice under subsection 5, the Minister shall refer the matter to the Board for a hearing. 1971, c. 96, s. 8, *amended*.

Hearing

**22.**—(1) Where a matter is referred to the Board under section 12 or 21, the Board shall hold a hearing and the applicant or licensee, the Minister and such other persons as the Board specifies shall be parties to the proceeding.

Hearing by  
Board

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*, except that section 94 of that Act does not apply.

Procedure

R.S.O. 1970,  
c. 323

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out its findings and its recommendations as to the issue to which the hearing relates and shall send a copy of its report to each party to the proceedings.

Report  
of Board

(4) After considering the report of the Board, the Minister may take such action as he considers appropriate and shall serve notice of his decision and the reasons therefor upon the other parties to the proceedings and upon the municipalities served under subsection 1 of section 12 or subsection 3 of section 21, as the case may be.

Decision  
of Minister

(5) The decision of the Minister is final. 1971, c. 96, s. 9, *amended*.

Decision  
final

**23.**—(1) The Minister may suspend a licence for any period of time, not exceeding three months, for any contravention of this

Suspension  
of licences



Act, the regulations, the conditions of the licence or the requirements of the site plan, effective as soon as the notice mentioned in subsection 2 is served upon the licensee. 1971, c. 96, s. 8 (4), *amended*.

Notice of  
suspension

(2) Where the Minister has suspended a licence, he shall serve notice thereof, including the reasons therefor, upon the licensee and upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located.

Further  
particulars  
of notice

(3) The notice mentioned in subsection 2 shall, in addition to the particulars mentioned therein, notify the licensee of the period of the suspension, of the action he must take or desist from taking before the suspension will be removed, that the suspension will be removed as soon as he has complied with the notice to the satisfaction of the Minister, and that if he does not comply with the notice within the period of the suspension, the Minister may revoke the licence.

Revocation

(4) Where a licensee whose licence has been suspended has not taken the required remedial action within the period of the suspension, the Minister may exercise his power under subsection 2 of section 21 and revoke the licence, in which case subsections 3 to 6 of that section apply. *New*.

## PART III

### WAYSIDE PIT AND QUARRY PERMITS

Application  
for permit

**24.—**(1) Any public authority that has a project that requires aggregate or any person who has a contract with a public authority for such a project may apply to the Minister in the prescribed form for a wayside pit or quarry permit. 1971, c. 96, s. 12 (1) *part*, *amended*.

Idem

(2) Every application for a wayside pit or quarry permit to excavate aggregate shall be accompanied by five copies of the site plan referred to in section 25 and the prescribed application fee.

Additional  
information

(3) The Minister may require an applicant for a wayside pit or quarry permit to furnish him with additional information in such form and manner as he considers necessary and, until the information is furnished to his satisfaction, he may refuse to consider the application further.

Copies to  
municipalities

(4) When the Minister is satisfied that an application for a wayside pit or quarry permit and the documents accompanying it

comply with this Act and the regulations, he shall serve a copy of it and the documents accompanying it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

**25.** The site plan accompanying an application for a wayside pit or quarry permit shall be prepared by the applicant or by a person on his behalf and shall be in the prescribed form and shall show, Site plans for wayside pits and quarries

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the public authority that is a party to the contract and the number of the project;
- (d) the location of the project;
- (e) the name and address of the owner of the site;
- (f) the hectarage of the site and the area to be excavated;
- (g) the existing and estimated final elevations of the site;
- (h) the use of the land and the location and use of the buildings and other structures within 150 metres of the site;
- (i) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (j) every entrance to and exit from the site;
- (k) any significant natural features;
- (l) proposed drainage facilities on the site;
- (m) the sequence or direction of operation; and
- (n) the rehabilitation plans,

and may show such other information as the applicant considers advisable. *New.*

**26.** The Minister in considering an application for a wayside Criteria pit or quarry permit shall have regard to,

- (a) any information provided by the municipalities in which the site is located;
- (b) the estimated cost of transporting the aggregate to the project as compared with that of any alternative source of supply;
- (c) proper management of the aggregate resources of the area;
- (d) any previous permits for the site;
- (e) the rehabilitation of the site;
- (f) any proposed aesthetic improvements to the landscape; and
- (g) such other matters as he considers appropriate. 1971, c. 96, s. 12 (2), *amended*.

Issue  
of  
permits

**27.**—(1) The Minister may in his discretion issue a wayside pit or quarry permit subject to such conditions as he considers necessary and whether or not its location complies with any relevant restricted area by-law. 1971, c. 96, s. 12 (3), *amended*.

Idem

(2) Where the location of a wayside pit or quarry for which a wayside pit and quarry permit has been issued contravenes any relevant restricted area by-law, the permit prevails and the by-law does not apply to the wayside pit or quarry. *New*.

Copies to  
municipalities

**28.** Where the Minister has issued a wayside pit or quarry permit, he shall serve a copy of it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New*.

Duties of  
permittees

**29.** Every wayside pit or quarry permittee shall operate his wayside pit or quarry in accordance with this Act, the regulations, the conditions of his permit and the requirements of his site plan. 1971, c. 96, ss. 3, 4 (4), *part, amended*.

Variation  
of  
conditions

**30.** The Minister may at any time add a condition to a wayside pit or quarry permit or rescind or vary any condition of such a permit. *New*.

Expiration  
of  
permits

**31.** A wayside pit or quarry permit expires on the completion of the project in respect of which it was issued or eighteen months after its date of issue, whichever occurs first. 1971, c. 96, s. 12 (4), *amended*.



**32.** The Minister may, at any time, suspend or revoke a wayside pit or quarry permit for any contravention of this Act, the regulations, the conditions of the permit or the requirements of the site plan. 1971, c. 96, s. 12 (5), *amended*. Suspension  
and  
revocation

## PART IV

### ABANDONED PITS AND QUARRIES

**33.—**(1) Where there is an unlicensed pit or quarry, the Minister may, Abandoned  
pits and  
quarries

- (a) after receiving the consent of the person assessed for the land on which the pit or quarry is located; and
- (b) after consultation with the regional municipality or county, as the case may be, and the local municipality in which the pit or quarry is located,

declare the pit or quarry to be abandoned for the purposes of subsection 2.

(2) The Minister may disburse any part of the fund mentioned in subsection 4 of section 14 for, Disbursal  
of fund

- (a) pre-program surveys or studies respecting the rehabilitation of abandoned pits and quarries; or
- (b) the rehabilitation of abandoned pits and quarries.  
*New.*

## PART V

### CROWN AGGREGATE PERMITS

**34.—**(1) Any person may apply to the Minister in the prescribed form for a Crown aggregate permit to excavate Crown aggregate. Applications  
for Crown  
aggregate  
permits

(2) Any person who holds a Crown aggregate permit may, Idem during the first two months of the four-month period immediately preceding the expiry of his permit, apply to the Minister for another Crown aggregate permit for the same site to come into effect upon the expiry of the permit that he holds.

(3) Every application for a Crown aggregate permit shall be accompanied by, Idem

- (a) two copies of the site plan referred to in section 35; and

(b) the prescribed application fee. *New.*

Site plans

**35.**—(1) The site plan accompanying an application for a Crown aggregate permit shall be in the prescribed form and shall show,

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the existing and estimated final elevations of the site;
- (e) the use of land and the location and use of the buildings and other structures within 150 metres of the site; and
- (f) the rehabilitation plans,

and may show such other information as the applicant considers advisable.

Signature

(2) Every site plan for a Crown aggregate permit shall be signed by the applicant.

Additional information

(3) The Minister may require an applicant for a Crown aggregate permit to furnish him with additional information in such form and manner as he considers necessary and, until the information is furnished to his satisfaction, he may refuse to consider the application further. *New.*

Issue of Crown aggregate permits

**36.**—(1) Subject to section 37, the Minister may in his discretion issue a Crown aggregate permit for a fixed period of not more than five years subject to such conditions as he considers necessary.

Changes in conditions

(2) The Minister may at any time add a condition to a Crown aggregate permit or rescind or vary any condition of such a permit. *New.*

Public authority

**37.** Where in the opinion of the Minister it is in the public interest, he may authorize a public authority which has a project that requires Crown aggregate or any person who has a contract with a public authority for such a project to remove Crown aggregate from a site that is subject to a Crown aggregate permit. *New.*

Personal use

**38.**—(1) Where an individual whose principal residence is in Ontario applies for a Crown aggregate permit and states in his

application that he requires the aggregate for his personal use and not for sale, the Minister may issue the Crown aggregate permit without the necessity of the applicant complying with subsection 3 of section 34 and section 40.

(2) Where a Crown aggregate permit is issued to excavate Crown aggregate for personal use and not for sale, section 42 does not apply. *New.*

**39.** Every Crown aggregate pit or quarry permittee shall operate his Crown aggregate pit or quarry in accordance with this Act, the regulations, the conditions of his permit and the requirements of his site plan. *New.*

**40.** Every Crown aggregate pit or quarry permittee shall pay to the Treasurer the prescribed permit fee. *New.*

**41.**—(1) The Minister may suspend or revoke a Crown aggregate permit for any contravention of this Act, the regulations, the conditions of the permit or the requirements of the site plan.

(2) The Minister may revoke a Crown aggregate permit where in his opinion a substantial amount of Crown aggregate has not been removed from the site during any year of the term of the permit.

(3) The Minister may suspend or revoke a Crown aggregate permit where in his opinion the operation of the Crown aggregate pit or quarry is contrary to the public interest. *New.*

**42.** Upon application in the prescribed form accompanied by the prescribed transfer fee, the Minister may consent to the transfer of a Crown aggregate permit. *New.*

**43.** The Minister may in his discretion refuse to issue a Crown aggregate permit, refuse to issue another Crown aggregate permit under subsection 2 of section 34 or refuse to consent to the transfer of a Crown aggregate permit. *New.*

**44.**—(1) Where the Minister has,

- suspended a Crown aggregate permit;
- (b) revoked a Crown aggregate permit; or
- (c) refused to issue another Crown aggregate permit upon an application under subsection 2 of section 34,

he shall serve forthwith notice thereof including the reasons therefor upon the applicant or permittee.

Time of taking effect	(2) Any action of the Minister under subsection 1 is effective as soon as the notice mentioned in that subsection is served upon the applicant or permittee.
Notice requiring a hearing	(3) The notice under subsection 1 shall inform the recipient that he is entitled to a hearing by the Commissioner if he serves, within fifteen days after the notice under subsection 1 is served upon him, the Minister with notice that he requires a hearing.
Hearing	(4) Where the recipient serves the Minister with notice under subsection 3 that he requires a hearing, the Minister shall refer the matter to the Commissioner for a hearing.
Idem	(5) Where a matter is referred to the Commissioner, the Commissioner shall hold a hearing to decide whether the Crown aggregate permit should remain suspended or revoked or be issued, as the case may be, and the Commissioner may, after the hearing, so decide.
Idem	(6) Where a matter is referred to the Commissioner under this section, he shall specify the parties to the proceedings.
Notice of decision	(7) The Commissioner shall serve notice upon the parties to the proceedings of his decision and the reasons therefor.
Appeal	(8) An appeal lies to the Supreme Court from a decision of the Commissioner under this section if a notice of appeal is served by the party appealing upon the other parties to the proceedings within fifteen days after the receipt by him of the notice of the decision. <i>New.</i>
Royalties	<b>45.</b> —(1) The Minister shall determine the royalty per tonne that each Crown aggregate permittee must pay under subsection 2, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the Crown aggregate and its intended use.
Royalties to be paid	(2) Every Crown aggregate permittee shall pay a royalty to the Treasurer on or before the tenth day of the month immediately following the month in which the Crown aggregate is removed from the site at the rate per tonne determined under subsection 1 multiplied by the number of tonnes removed.
Security	(3) The Minister may require a Crown aggregate permittee to give security of the prescribed kind and in an amount or amounts determined by the Minister for the payment of any sum that is due or that may become due under subsection 2.
Recovery of royalties in default	(4) Where a person defaults in the payment of a royalty under subsection 2, the amount thereof may be recovered by the Crown

from any security given under subsection 3 or as a debt due in any court of competent jurisdiction. *New.*

## PART VI

### REHABILITATION

**46.**—(1) Except as provided in subsection 2, this Part applies to every licensee and permittee. Application of Part

(2) Except as provided in subsection 2 of section 47, this Part does not apply to the Crown and its agents. *New.* Exception

**47.**—(1) Every licensee and every permittee shall rehabilitate his site in accordance with this Act, the regulations, the conditions of his licence or permit and the requirements of his site plan to the satisfaction of the Minister. Duty to rehabilitate site

(2) Where the Crown or its agent excavates Crown aggregate, the Crown or its agent, as the case may be, shall rehabilitate the Crown aggregate pit or quarry to the satisfaction of the Minister. *New.* Crown

**48.**—(1) Every licensee shall pay to the Treasurer on or before the 15th day of March in each year a sum calculated by multiplying the number of tonnes excavated from his site in the previous year by the prescribed rate per tonne of aggregate as security for the rehabilitation of the site. Rehabilitation security payments by licensees

(2) The payments specified in subsection 1 cease when the total to the credit of the licensee in his account reaches the prescribed maximum for each hectare of his site that in the opinion of the Minister requires rehabilitation. 1971, c. 96, s. 11 (1), *amended.* Maximum

**49.** Every person who applies for a permit for a wayside pit or quarry shall before the permit is issued pay to the Treasurer a sum calculated by multiplying the maximum number of tonnes that the permit authorizes by the prescribed rate per tonne of aggregate as security for the rehabilitation of the site. *New.* Rehabilitation security payments by wayside pit permittees

**50.**—(1) Every Crown aggregate permittee shall pay to the Treasurer on or before the tenth day of the month immediately following the month in which the Crown aggregate was removed from the site a sum calculated by multiplying the number of tonnes removed from his site by the prescribed rate per tonne of Crown aggregate as security for the rehabilitation of the site. Rehabilitation security payments by Crown aggregate permittees

(2) The payments specified in subsection 1 cease when the total to the credit of the Crown aggregate permittee in his account Maximum



reaches the prescribed maximum for each hectare of his site that in the opinion of the Minister requires rehabilitation. *New.*

Rehabilitation security accounts

**51.**—(1) Sums paid by a licensee, a wayside pit or quarry permittee or a Crown aggregate permittee under section 48, 49 or 50 shall be held in an account in his name and shall be paid out in accordance with this Part.

Interest payable

(2) Sums paid by a licensee or Crown aggregate permittee under section 48 or 50 shall earn interest at the prescribed rate.

Interest deemed security

(3) Interest earned under subsection 2 shall be deemed to form part of the rehabilitation security. *New.*

Partial refunds

**52.**—(1) Where a licensee or a Crown aggregate permittee submits proof to the satisfaction of the Minister that he has performed progressive rehabilitation on his site in accordance with this Act, the regulations, the conditions of his licence or Crown aggregate permit and the requirements of his site plan, he is entitled to a refund not more than twice a year out of his rehabilitation security account in accordance with the regulations.

Amount

(2) The Minister shall determine the amount of the refund mentioned in subsection 1, but in no case shall the amount of the refund reduce the amount remaining in the rehabilitation security account of the licensee or Crown aggregate permittee to less than the prescribed minimum per hectare requiring rehabilitation. *New.*

Refunds when rehabilitation work fully performed

**53.** Where a licensee or permittee has submitted proof to the satisfaction of the Minister that he has performed his final rehabilitation work in accordance with this Act, the regulations, the conditions of his licence or permit and the requirements of his site plan, the Treasurer shall refund to him the total sum to his credit in his rehabilitation security account. *New.*

When rehabilitation work not performed

**54.**—(1) Where a licence or permit is revoked or a permit expires and the rehabilitation work has not been performed in accordance with this Act, the regulations, the conditions of the licence or permit, and the requirements of the site plan to the satisfaction of the Minister, the Minister may enter upon the site and perform such rehabilitation work as he considers necessary. *New.*

Recovery of cost

(2) The cost of rehabilitation work performed by the Minister under subsection 1 is a debt due to the Crown by the former licensee or permittee and shall be paid by the Treasurer out of the former licensee's or permittee's rehabilitation security account into the Consolidated Revenue Fund. 1971, c. 96, s. 11, *amended.*

(3) Where any sum remains to the credit of the former licensee or permittee in his rehabilitation security account after the cost of rehabilitation work performed by the Minister under subsection 1 has been paid out under subsection 2, the sum so remaining shall be paid by the Treasurer to the former licensee or permittee. Disposition of surplus

(4) Where the sum to the credit of the former licensee or permittee in his rehabilitation security account is insufficient to defray the cost of rehabilitation work performed by the Minister under subsection 1, the amount of the deficiency is a debt due to the Crown by the former licensee or permittee and is recoverable by the Crown in any court of competent jurisdiction. Recovery of deficiency  
*New.*

## PART VII

### OFFENCES AND PENALTIES

**55.**—(1) Every person who operates a pit or quarry without a licence is guilty of an offence. 1971, c. 96, s. 4 (1), *amended*. No operation of pit without licence

(2) Every person who operates a wayside pit or quarry or Crown aggregate pit or quarry without a permit is guilty of an offence. 1971, c. 96, s. 12 (1), *amended*. No operation of wayside pit or Crown aggregate pit without permit

(3) Every licensee who contravenes any condition of his licence or any requirement of his site plan is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended*. Contravention of licence or site plan

(4) Every permittee who contravenes any condition of his permit or any requirement of his site plan is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended*. Contravention of permit or site plan

(5) Every person who contravenes any provision of this Act or the regulations is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended*. Contravention of Act or regulations

(6) Every person who hinders or obstructs an inspector in the performance of his duties or furnishes him with false information or refuses to furnish him with information is guilty of an offence. 1971, c. 96, s. 13 (2), *amended*. Obstruction of inspectors

**56.**—(1) Every person who commits an offence under subsection 1 or 2 of section 55 is liable on summary conviction to a fine of not less than \$1,000 and not more than \$5,000 for each day on which the offence occurs or continues. Penalty

(2) Every person who commits an offence under subsection 3, 4, 5 or 6 of section 55 is liable on summary conviction to a fine of not less than \$200 and not more than \$5,000 for each day on which the offence occurs or continues. 1971, c. 96, s. 18 (1), *amended*. Idem



Consent

**57.** No prosecution for an offence under this Act shall be instituted without the consent of the Minister. 1971, c. 96, s. 18 (2), *amended*.

## PART VIII

## MISCELLANEOUS

Restraining  
orders

**58.** Where it appears to the Minister that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister may apply to the Supreme Court for an order directing such person to comply with such provision, and upon the application the court may make such order as the court considers proper. 1971, c. 96, s. 15, *amended*.

Service  
of notices

**59.**—(1) Any notice required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is to be made at the last address for service appearing on the records of the Ministry.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, and for cause beyond his control, receive the notice until a later date. 1971, c. 96, s. 16, *amended*.

Conflicts

R.S.O. 1970,  
c. 274

**60.**—(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of *The Mining Act* or any provisions substituted therefor at any time.

Idem

(2) In the event of any conflict between any provision of this Act or the regulations and any provision of Part IX of *The Mining Act* or any provision substituted therefor at any time, the provision of this Act prevails. 1971, c. 96, s. 17, *amended*.

Conflicts

**61.** In the event that a provision of this Act or the regulations and a provision of any other Act, regulation or municipal by-law treat the same subject-matter in different ways, the provision of this Act or the regulation, as the case may be, prevails and the provision of the other Act, regulation or by-law is inoperative for the purposes of this Act. 1971, c. 96, s. 17 (2), *amended*.

Regulations

**62.** The Lieutenant Governor in Council may make regulations,

(a) respecting the management of the aggregate and Crown aggregate resources of Ontario;

- (b) prescribing material as aggregate;
- (c) prescribing material that is the property of the Crown as Crown aggregate;
- (d) prescribing duties of inspectors;
- (e) prescribing or providing for the calculation of fees and providing for the payment thereof;
- (f) prescribing the percentage of the total of the annual licence fees that shall be disbursed to municipalities, prescribing the amounts and manner of such disbursements and prescribing the municipalities to which such disbursements shall be made;
- (g) prescribing the percentage of the total of the annual licence fees that shall be set apart as a fund and disbursed for the purposes mentioned in subsection 2 of section 33;
- (h) respecting the control, management and operation of pits and quarries, wayside pits and quarries, and Crown aggregate pits and quarries;
- (i) prescribing the minimum royalty for Crown aggregate and providing for the payment thereof;
- (j) prescribing kinds of security for the purposes of subsection 3 of section 45;
- (k) governing the rehabilitation of pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries;
- (l) respecting the form, terms and conditions of rehabilitation security, prescribing a rate per tonne of aggregate or Crown aggregate for the purpose of calculating rehabilitation security, prescribing maximum and minimum amounts per hectare of rehabilitation security for pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries, prescribing the rate of interest payable thereon and providing for refunds from rehabilitation security accounts;
- (m) requiring and providing for the records and information that must be kept and returns that must be made by licensees and permittees;
- (n) prescribing forms for the purposes of this Act and providing for their use;

(o) designating parts of Ontario in which this Act and the regulations apply; and

(p) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. 1971, c. 96, s. 19 (1), *amended*.

Relief  
from  
compliance

**63.**—(1) Where in the opinion of the Minister it is not contrary to the public interest, he may in writing relieve any licensee or permittee from compliance in whole or in part with any provision of the regulations, subject to any conditions as he considers necessary. 1971, c. 96, s. 19 (2), *amended*.

Idem

(2) The Minister may at any time rescind or vary any relief granted under subsection 1. *New*.

Pits and  
quarries  
licensed  
under  
1971, c. 96

**64.**—(1) Notwithstanding section 69, *The Pits and Quarries Control Act, 1971* and the regulations thereunder continue to apply to every pit or quarry for which an operator is licensed under that Act for six months after this Act comes into force except where the licence expires under subsection 2.

Application  
for a  
licence under  
this Act

(2) During the first three months of the six-month period mentioned in subsection 1, an application for a licence under this Act accompanied by the prescribed fee may be made by a licensee under *The Pits and Quarries Control Act, 1971* in respect of his pit or quarry and, if an application is not so made, the licence under *The Pits and Quarries Control Act, 1971* expires at the end of such three-month period.

Same site  
for which  
operator is  
licensed

(3) The site that is the subject of an application under subsection 2 must be the same site for which the licensee is licensed under *The Pits and Quarries Control Act, 1971*.

Licence  
to be  
issued

(4) Within the six-month period mentioned in subsection 1 and provided the applicant has paid fees and deposited rehabilitation security as required under *The Pits and Quarries Control Act, 1971*, the Minister shall issue a licence under this Act in respect of every application under subsection 2 even if the requirements of sections 8 and 9 have not been met and whether or not any relevant restricted area by-law is complied with, and as soon as a licence is issued under this Act for a pit or quarry to which this section applies, the licence under *The Pits and Quarries Control Act, 1971* expires and that Act and the regulations thereunder cease to apply, but the site plan under that Act continues in effect until superseded by a site plan under this Act.

When new  
site plan  
requirements  
to be met

(5) The copies of the site plan referred to in section 8 and the report referred to in section 9 must be served upon the Minister within six months after the licensee has been served with a

demand therefor by the Minister or within three years after this Act comes into force, whichever occurs first.

(6) Clauses *a*, *b* and *c* of subsection 2 of section 7 and subsections 2 to 8 of section 12 do not apply to applications made under subsection 2 of this section.

s. 7 (2) (a-c),  
s. 12 (2-8)  
do not apply

(7) Where a licence is issued under this section, all security and interest on deposit or security payable at a future time, as the case may be, under *The Pits and Quarries Control Act, 1971* shall be deemed to be rehabilitation security on deposit or payable as provided under this Act.

Rehabilitation  
security

1971, c. 96

(8) Where a licence is issued under this section, any rehabilitation that has been carried out in respect of a pit or quarry for which an operator is licensed under *The Pits and Quarries Control Act, 1971* and for which the operator has not received credit under that Act before this Act comes into force shall be deemed to be rehabilitation done for the purpose of this Act.

Credit for  
rehabilitation  
under  
1971, c. 96

(9) Notwithstanding section 69, every permit issued under *The Pits and Quarries Control Act, 1971* that is subsisting when this Act comes into force continues in force as though this Act had not been passed until the expiration of its term. *New.*

Subsisting  
permit under  
1971, c. 96  
continues  
in force

**65.—**(1) Where a part of Ontario is designated for the purpose of this Act under subsection 2 of section 5, all the provisions of this Act and the regulations apply to every established pit and quarry in such part.

Act and  
regulations  
apply to pits  
and quarries  
in newly  
designated  
part of  
Ontario

(2) Notwithstanding subsection 1, where the requirements of section 7, except clause *c* of subsection 2, are complied with during the six-month period next following the date of the designation mentioned in subsection 1, a licence for an established pit or quarry must be issued or refused during the twelve-month period next following the designation.

Licence must  
be issued or  
refused  
during  
twelve-month  
period

(3) Notwithstanding subsection 1 of section 55, a person who applies for a licence during the six-month period next following the date of the designation mentioned in subsection 1 may operate his established pit or quarry without a licence until the licence is either issued or refused or the twelve-month period next following the date of the designation expires, whichever occurs first.

Right to  
operate  
for limited  
period  
without  
licence

(4) Notwithstanding subsection 1, subsections 2 to 8 of section 12 do not apply where an application for a licence for an established pit or quarry is made during the two-year period next following the date of the designation mentioned in subsection 1.

Non-  
application  
of s. 12 (2-8)



Restricted  
area by-law

(5) Notwithstanding subsection 3 of section 13, where an application for a licence for an established pit or quarry is made during the two-year period next following the date of the designation mentioned in subsection 1, the Minister may issue a licence for an established pit or quarry even if its location contravenes any relevant restricted area by-law.

Person deemed  
licensee  
from date of  
designation

(6) For the purposes of this Act and the regulations, where a person has been issued a licence for an established pit or quarry he shall be deemed to be a licensee from the date of the designation mentioned in subsection 1. *New.*

Application  
under  
1971, c. 96  
deemed  
application  
under this  
Act

**66.**—(1) Where an application for a licence to operate a pit or quarry has been made under *The Pits and Quarries Control Act, 1971* but no licence has been issued or refused by the Minister under that Act before this Act comes into force, the application shall be deemed to be an application made under this Act if the applicant has, before this Act comes into force, complied with all the requirements of that Act respecting the application, in which case the applicant shall comply with the requirements of section 7 of this Act within six months after this Act comes into force.

Minister  
may refuse  
to consider  
application

(2) Where in the opinion of the Minister the applicant fails to comply with the requirements of subsection 1, the Minister may refuse to consider the application further.

Hearing  
before the  
Board

(3) Where an applicant complies with the requirements of subsection 1, a hearing pending before the Board or in respect of which the Board has not reported to the Minister respecting a matter referred to it under *The Pits and Quarries Control Act, 1971* shall be deemed to be a hearing for the purposes of this Act. *New.*

R.S.O. 1970,  
c. 274,  
Part VII,  
not  
applicable

**67.** Part VII of *The Mining Act* or any provision substituted therefor at any time does not apply in any part of Ontario to which this Act applies. *New.*

Quarry  
permits

**68.**—(1) Every quarry permit issued under Part VII of *The Mining Act* that is subsisting when this Act comes into force continues in force as though this Act had not been passed until the expiration of its term.

Idem

(2) For the purpose of subsection 2 of section 34, the holder of a quarry permit referred to in subsection 1 shall be deemed to be a Crown aggregate permittee. *New.*

1971, c. 96;  
1978, c. 87,  
s. 29, repealed

**69.** *The Pits and Quarries Control Act, 1971*, being chapter 96 and section 29 of *The Metric Conversion Statute Law Amendment Act, 1978*, being chapter 87, are repealed.

**70.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

**71.** The short title of this Act is *The Aggregates Act, 1979*. Short title















An Act to revise  
The Pits and Quarries Control Act, 1971

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*1st Reading*

June 14, 1979

*2nd Reading*

*3rd Reading*

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THE HON. J. A. C. AULD  
Minister of Natural Resources

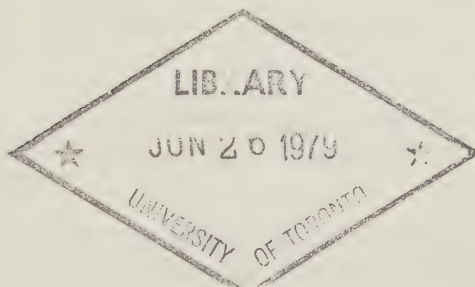
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*(Government Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

## An Act respecting Small Business in Ontario

MR. EAKINS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

The purpose of this Bill is to provide for the preservation and expansion of small business enterprise in Ontario. The Bill provides for government efforts relating to tendering policy, subcontracting, research and development and small business consortia as a means of providing support for small business enterprise.

BILL 128

1979

## An Act respecting Small Business in Ontario

**W**HEREAS the essence of Ontario's socio-economic system Preamble is embodied in the principles of free enterprise, competition and diversity; and whereas the preservation and expansion of these principles is essential to the basic welfare and security of the people of the Province of Ontario, as well as to the growth of personal initiative; and whereas this Legislature wishes to grant formal recognition to, and give fair and equitable support for that sector of the economy that most effectively preserves and enhances free, competitive enterprise;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

(a) "Minister" means the Minister of Industry and Tourism;

(b) "small business" means a business that is independently owned and operated and is not dominant in its field of operation.

(2) The Minister may by regulation further define a small business having regard to other criteria including the number of employees and the dollar volume of business. Minister may  
determine  
small  
business

(3) Where the number of employees is used as one of the criteria referred to in subsection 2, the maximum number of employees stated in the definition may vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors. Idem

Objects

**2.—**(1) The Government of Ontario shall aid, counsel, assist and protect, in so far as possible, the interests of small business.

Government purchases from small businesses

(2) In order to preserve free competitive enterprise, the Government of Ontario shall,

(a) establish a target of 40 per cent of the total purchases and contracts or subcontracts for goods, services and real property purchased or made by the Government to be placed with small businesses within three years of the date this Act comes into force; and

(b) ensure that a fair proportion of the total sales and leases of Government property be transacted with small businesses.

Tenders

**3.—**(1) Where the Government of Ontario or a Government agency invites tenders in respect of a proposed purchase, the Government shall accept the tender of a small business if the tender is valid and contains a bid for an amount that is less than or the same as the amounts bid in every other valid tender.

Small business certificate

(2) Where the tender of a small business is not accepted by reason only that the business is not a small business that is in a sound financial and productive position, the Minister may issue, upon application therefor within six days of being notified of the reason for the refusal of the tender, a small business certificate to the business where the Minister is satisfied that the business is a small business that is in a sound financial and productive position.

Idem

(3) Where a small business receives a certificate under subsection 2, the tender of the small business shall be accepted if the tender is valid and contains a bid for an amount that is less than or the same as the amount bid in the tender that was initially accepted.

Notice of proposed purchase

**4.—**(1) Every ministry or Government agency shall give notice to the Minister of any proposed purchase to be made by it exceeding \$5,000 and every such notice shall be published by the Minister in *The Ontario Gazette* except notices in respect of the following classes of purchases:

(a) purchases, the release of information concerning which would be detrimental to the security of Ontario or Canada;

(b) purchases of perishable subsistence goods;

- (c) purchases of utility services;
- (d) purchases made in accordance with a contract existing on the day this Act comes into force;
- (e) purchases from a ministry or Government agency;
- (f) purchases of personal or professional services;
- (g) purchases of services from educational institutions;
- (h) purchases from suppliers located outside Canada.

(2) The Minister may, by order, dispense with the notice requirements of subsection 1 for any purchase or class of purchase if the Minister is of the opinion that the delay necessary to give notice is not in the public interest or that the giving of notice is not appropriate in the circumstances.

**5.**—(1) The Minister shall develop forthwith a small business subcontracting program containing provisions, .

- (a) to enable small businesses to be considered fairly as subcontractors and suppliers to contractors performing work or rendering services as prime contractors or subcontractors under Government procurement contracts; and
- (b) to enable the Ministry to obtain from any Government procurement agency such available or reasonably obtainable information and records concerning subcontracting by its prime contractors and their subcontractors as the Ministry may deem necessary.

(2) Subsection 1 shall not be construed to authorize the Minister,

- (a) to prescribe the extent to which any contractor or subcontractor shall subcontract;
- (b) to specify the businesses to which subcontracts shall be granted; or
- (c) to vest in the Minister authority respecting the administration of individual prime contracts or subcontracts.

(3) The program shall provide that in evaluating bids or in selecting contractors for negotiated contracts the extensive use of subcontractors by a proposed contractor shall be considered a favourable factor.

Small  
business  
loans officer

(4) The program shall provide that any firm awarded a government contract over \$500,000 shall employ a small business liaison officer, who may already be a member of the firm, to be responsible for subcontracting portions of the work to small businesses, wherever possible.

Required  
contractual  
provisions

(5) Every contract for goods, services or real property, including contracts for research and development, maintenance, repair and construction, but not including contracts to be performed entirely outside the Province of Ontario, in excess of \$500,000, made by a Government ministry or agency, that in the opinion of the procuring agency offers substantial subcontracting possibilities, shall require the contractor,

- (a) to conform to the small business subcontracting program; and
- (b) to insert in all subcontracts and purchase orders in excess of \$250,000 that offer substantial possibilities for further subcontracting a provision requiring the subcontractor or supplier to conform to the small business subcontracting program.

Research  
and  
development

**6.—(1)** It shall be the duty of the Minister and he is hereby empowered,

- (a) to assist small businesses to obtain Government contracts for research and development;
- (b) to instruct Government agencies and ministries to contract out as much research and development work as possible;
- (c) to assist small business to benefit from research and development performed under Government contracts or at Government expense;
- (d) to provide technical assistance to small business and to simplify application procedures in order to accomplish the purposes of this section;
- (e) to give preference to Canadian owner-managed businesses in allocating research grants and loans; and
- (f) to publish information as to facilities available through small businesses for research and development.

Idem

(2) The Minister may consult and co-operate with all Government agencies and make studies and recommendations



to such agencies, and such agencies shall co-operate with the Minister in order to carry out and accomplish the purposes of this section.

7.—(1) The Minister may consult with any representative of one or more small businesses to encourage the formation of consortia formed and capitalized by a group of small businesses with resources provided by them for the provision of central services, or for the purpose of obtaining for the use of such small businesses raw materials, equipment, inventories, supplies or the benefits of research and development, or for establishing facilities to undertake and utilize applied research. Consortia

(2) The Minister may certify a consortium as a member of a special class of small business and may issue the certificate referred to in section 3. Consortia  
may be  
certified

(3) The Minister may provide advisory services respecting the establishment of consortia. Idem

8. The Minister may,

Powers of  
Minister

- (a) enter into contracts with any provincial government or the Government of Canada and any ministry, agency, or officer thereof having procurement powers obligating the Minister to furnish articles, equipment, supplies or materials to Ontario, and in any case in which the Minister certifies to any officer of Ontario having procurement powers that the Ministry of Industry and Tourism is competent to perform any specific government procurement contract to be let by any such officer, such officer shall be authorized, in his discretion, to let such procurement contract to the Ministry of Industry and Tourism upon such terms and conditions as may be agreed upon between the Minister and the procurement officer;
- (b) arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Ministry of Industry and Tourism to perform such contracts;
- (c) provide technical and managerial aids to small business concerns, by advising and counselling on matters in connection with Government procurement

and property disposal and on policies, principles, and practices of good management, including but not limited to cost accounting, methods of financing business insurance, accident control, wage incentives, and methods engineering, by,

- (i) co-operating and advising with voluntary business, professional, educational, and other non-profit organizations, associations and institutions and with other governmental agencies,
  - (ii) maintaining a clearinghouse for information concerning the managing, financing and operation of small business enterprises,
  - (iii) disseminating such information, and
  - (iv) such other activities as are deemed appropriate by the Minister;
- (d) co-ordinate and ascertain the means by which the productive capacity of small businesses can be most effectively utilized;
- (e) consult and co-operate with officers of the Government having procurement or property disposal powers in order to utilize the potential productive capacity of plants operated by small businesses;
- (f) obtain information as to methods and practices that government prime contractors utilize in letting subcontracts by prime contractors to small businesses at prices and on conditions and terms which are fair and equitable;
- (g) determine within any industry the concerns, firms, persons, corporations, partnerships, co-operatives, or other business enterprises that may be designated as small businesses for the purposes of this Act;
- (h) serve as a focal point to receive complaints, criticisms and suggestions concerning the policies and activities of the Ministry of Industry and Tourism and any other government agency that affects small business;
- (i) represent the views and interests of small businesses before other agencies whose policies and activities may affect small businesses;



- (j) enlist the co-operation and assistance of public and private agencies, businesses and other organizations in disseminating information about the programs and services provided by the Government that are of benefit to small businesses and information concerning the manner in which small businesses can participate in or make use of such programs and services; and
- (k) receive reports from Government agencies and ministries concerning the progress in procurement and contracting to small business.

**9.** There shall be a standing committee of the Assembly <sup>Standing committee</sup> to be known as the Small Business Committee, that shall report annually to the Assembly if it is in session or, if not, at the next ensuing session, on all aspects meriting legislative attention with respect to small businesses, and that shall consider,

- (a) proposed legislation and legislative reform;
- (b) the state of governmental and private assistance available respecting training, manpower and management development, research, technical and scientific assistance;
- (c) the competitive strength of small business;
- (d) representations from small business groups;
- (e) the proposals for changes in the policies and activities of any agency of the Government that will better fulfill the purposes of this Act and communicate such proposals to the appropriate agencies; and
- (f) such other matters dealing with small businesses as the standing committee in its opinion considers appropriate.

**10.—(1)** The Lieutenant Governor in Council shall make <sup>Regulations</sup> regulations prescribing the criteria for determining whether a small business is in a sound financial and productive position.

(2) The Lieutenant Governor in Council may prescribe <sup>Idem</sup> regulations implementing the small business subcontracting program.

Confiden-  
tiality

**11.** Nothing in this Act shall be construed to authorize any ministry or agency of the Government to disseminate technical data or processes developed by any business under this Act.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** The short title of this Act is *The Small Business Act, 1979*.



An Act respecting  
Small Business in Ontario

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*1st Reading*

June 14th, 1979

*2nd Reading*

*3rd Reading*

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MR. EAKINS

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*(Private Member's Bill)*

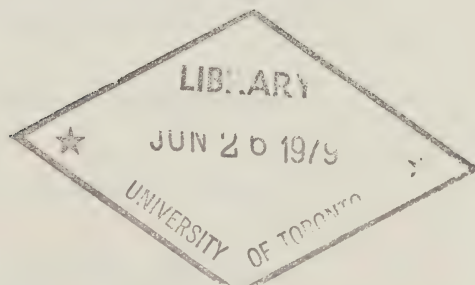
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19 BILL 129

Private Member's Bill

3RD SESSION, 31ST LEGISLATURE, <sup>1</sup>ONTARIO  
28 ELIZABETH II, 1979

An Act respecting Predator Control in Ontario

MR. RIDDELL



#### EXPLANATORY NOTE

The purpose of the Bill is to authorize the establishment of local predator control committees throughout Ontario to develop methods and procedures to protect live stock and poultry from destruction by predators. A committee is established for each predator control area designated by the Minister, and, the committee, within one year of its establishment, must prepare a predator control plan for approval by the Minister. The Bill requires every predator control committee to regularly review the predator control plan and to report to the Minister on an annual basis concerning whether the plan has been effective in reducing the level of predator activity.

BILL 129

1979

## An Act respecting Predator Control in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

(a) "Minister" means the Minister of Agriculture and Food;

(b) "predator" means a wolf of the species *Canis lupus* L. or *Canis latrans* Say or any cross breed thereof or a dog.

2.—(1) The Minister may, by order, designate areas of land in Ontario as predator control areas.

Predator  
control  
areas

(2) Each area of land designated by the Minister under subsection 1 shall be composed predominantly of land that is used for agricultural purposes.

Agricultural  
land

(3) The Minister shall establish a predator control committee for each designated predator control area, which committee shall be composed of members appointed by the Minister as follows:

Predator  
control  
committee

1. One representative of the Ministry of Agriculture and Food.
2. One representative of the Ministry of Natural Resources.
3. One representative of each local municipality situated in the predator control area.
4. One representative of the live stock and poultry producers carrying on business in the predator control area.



- Chairman (4) The chairman of a predator control committee shall be the member appointed as the representative from the Ministry of Agriculture and Food.
- Predator control plan **3.**—(1) Every predator control committee shall, within one year from the day of its establishment, prepare and file with the Minister a predator control plan setting forth methods and procedures designed to protect live stock and poultry from destruction by predators in the predator control area.
- Review (2) No predator control committee shall make any payment in respect of predator control until a predator control plan for the area has been approved by the Minister.
- Amendment (3) Every predator control committee shall make an annual review of the predator control plan and may amend the plan from time to time with the approval of the Minister.
- Annual report **4.** Every predator control committee shall submit a report to the Minister after the end of each calendar year concerning predator control methods and procedures in the predator control area and such report shall include a report on the level and nature of current predator activity, the amount of compensation paid by the committee, if any, during the preceding twelve month period, and an assessment of the effectiveness of the predator control plan in protecting live stock and poultry.
- Commencement **5.** This Act comes into force on the day it receives Royal Assent.
- Short title **6.** The short title of this Act is *The Predator Control Act, 1979*.







An Act respecting  
Predator Control in Ontario

*1st Reading*

June 14th, 1979

*2nd Reading*

*3rd Reading*

MR. RIDDELL

*(Private Member's Bill)*

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3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

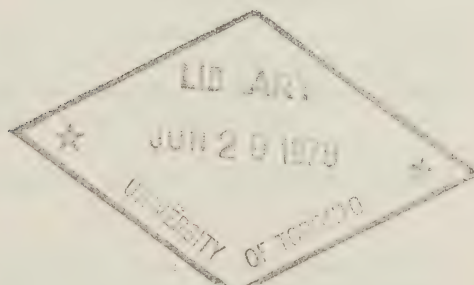
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**An Act respecting the  
Sale of Farm Machinery and Equipment in Ontario**

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MR. WILDMAN

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#### EXPLANATORY NOTE

The purpose of the Bill is to regulate the sale of farm machinery and equipment in Ontario. The Bill establishes The Farm Machinery and Equipment Board to carry out several tasks respecting the sale of farm machinery and equipment. The Board is given authority to investigate complaints and mediate disputes arising from the sale of farm machinery and equipment and may establish inventory guidelines for vendors and dealers of farm machinery and equipment. The Board may also make recommendations to the Minister concerning safety requirements and parts standardization for farm machinery and equipment.

Among the other principal features of the Bill are the following:

1. Dealers are required to provide certain emergency repair parts on seventy-two hours notice. (s.6)
2. Where a dealer fails to make repair parts available within the times required by the Bill, the dealer is liable to pay to the purchaser an amount equal to one-half the normal rental rate for the farm machinery and equipment. (s.7)
3. The Bill sets out warranties applicable to the sale of farm machinery and equipment. (s.8)



BILL 130

1979

**An Act respecting the  
Sale of Farm Machinery and Equipment  
in Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means The Farm Machinery and Equipment Board;
- (b) "dealer" means a person operating a retail establishment or business for the sale of new farm machinery and equipment and repair parts and providing repair services for farm machinery and equipment;
- (c) "farm machinery and equipment" means any farm machine or farm equipment,
  - (i) the retail selling price of which is \$200 or more, and
  - (ii) that is used or intended for use in any type of farming operations but does not include a passenger automobile, a farm truck, jeep, snowmobile or all-terrain vehicle;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "part" or "repair part" means a part used or to be used in the repair of farm machinery and equipment;
- (f) "vendor" means a manufacturer or supplier of farm machinery and equipment or repair parts who sells, consigns or delivers farm machinery and equipment or repair parts to a dealer for resale by the dealer.

Application	<p><b>2.</b> This Act does not apply to sales of farm machinery and equipment,</p> <p>(a) by farmers by auction or in the ordinary course of their farming operations; or</p> <p>(b) by an executor or administrator of an estate or by a public official acting under judicial process; or</p> <p>(c) to a dealer.</p>
Composition of Board	<p><b>3.</b>—(1) A Board to be known as The Farm Machinery and Equipment Board is hereby established and shall be composed of such members appointed by the Lieutenant Governor in Council as the Lieutenant Governor in Council may consider necessary.</p>
Chairman and vice-chairman	<p>(2) The Lieutenant Governor in Council shall designate a chairman and one or more vice-chairmen from among the members of the Board.</p>
Acting chairman	<p>(3) In the case of the absence or inability to act of the chairman or of there being a vacancy in the office of the chairman, and in the absence of the chairman and vice-chairman or vice-chairmen from any meetings of the Board, the members of the Board present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.</p>
Term of office	<p>(4) Members of the Board shall hold office during pleasure.</p>
Expert assistance	<p>(5) The Board may appoint from time to time one or more persons having technical or special knowledge of any matter to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.</p>
Exercise of powers	<p>(6) The powers of the Board shall be exercised by resolution and the Board may pass resolutions governing the calling of and the proceedings at meetings and specifying the powers and duties of employees of the Board and generally dealing with the carrying out of its function.</p>
Duties	<p>(7) The Board shall perform such duties as are assigned to it by or under this and any other Act and shall administer and enforce this Act and the regulations.</p>
Powers of Board	<p>(8) The Board may,</p> <p>(a) receive and investigate complaints made to it concerning farm machinery and equipment;</p>

- (b) mediate disputes between purchasers and vendors or dealers of farm machinery and equipment arising from the sale of farm machinery and equipment;
- (c) take such action as may be necessary to reduce or correct unreasonable delays in the delivery of repair parts and unreasonable charges for them or recommend to the Minister appropriate action to alleviate such problems;
- (d) make recommendations to the Minister respecting standardization of parts for farm machinery and equipment;
- (e) make recommendations to the Minister with respect to safety requirements for farm machinery and equipment; and
- (f) establish inventory guidelines for vendors and dealers of farm machinery and equipment

4.—(1) Every vendor who sells or offers for sale farm machinery and equipment or repair parts in Ontario shall file with the Board, at least once in every twelve month period, all retail price lists with respect to the farm machinery and equipment or repair parts.

Filing  
of retail  
price lists

(2) Every vendor shall file together with the retail price list a list showing the names and addresses of all of the vendor's dealers in Ontario.

Names and  
addresses  
of dealers

5. Where a farmer purchases new farm machinery and equipment from a dealer, the dealer and the vendor shall ensure that repair parts for the farm machinery and equipment shall be available for a period of ten years from the date of the purchase and, where within that period the farmer orders repair parts for the farm machinery and equipment purchased by him, the dealer and vendor shall ensure that those repair parts are available to the farmer within fourteen days from the date of the order, unless delivery of the parts cannot be made within that time because of strikes or other conditions beyond the control of the dealer or the vendor.

Repair  
parts  
to be  
available

6.—(1) Every contract for the purchase of new,

Emergency  
repair  
parts

(a) seeding;

(b) haying;

(c) harvesting; or

(d) milking,

machinery and equipment, shall include a provision to enable the purchaser to order emergency repair parts from the dealer at any time between the hours of 7 o'clock in the morning and 11 o'clock in the evening of any day except Sunday during the season of use of the machinery and equipment.

Posting of  
procedure  
by dealer

(2) The method or procedure for ordering emergency repair parts shall be clearly set out in the contract of purchase.

When  
emergency  
service  
shall be  
used

(3) The emergency repair service shall be used by the purchaser only when the farm machinery and equipment breaks down during the season of use as mentioned in subsection 1 and cannot be operated to perform the intended functional requirements set out in the contract of purchase, with reasonable efficiency.

Notice  
to dealer

(4) The purchaser shall notify the dealer when he is ordering repair parts that the parts are required for emergency repairs and the dealer shall in turn notify the vendor to that effect.

Time for  
supplying  
emergency  
repair  
parts

(5) Where a purchaser orders emergency repair parts from the dealer from whom he purchased the farm equipment and machinery, the dealer and vendor shall ensure that those parts are available at the dealer's place of business to the purchaser within seventy-two hours from the time of the making of the order not including Saturdays, Sundays and holidays unless delivery of the parts cannot be made within that time because of strikes or conditions beyond the control of the dealer or vendor.

Price of  
emergency  
repair  
parts

(6) The price for emergency repair parts shall not exceed the price as set out in the retail list price except that the dealer or the vendor may add a service charge not exceeding \$10.

Payment  
for delay in  
delivering  
repair  
parts

**7.—**(1) Where a dealer from whom a purchaser orders repair parts fails to obtain those parts within the times specified in section 5 or 6, as the case may be, the dealer shall pay to the purchaser an amount equal to one-half the normal rental rate applicable for the farm machinery and equipment, from the date of the expiry of the time limit for delivery to the date on which the repair parts are made available to the purchaser at the dealer's place of business.



(2) The payment under subsection 1 shall be made only for the time during which the farm machinery and equipment would normally have been used. Payment for normal use

(3) In lieu of making payment as set out in subsections 1 and 2, the dealer may supply the purchaser with other farm machinery and equipment that is suitable and capable of functioning properly at one-half the normal rental rate for that machinery and equipment. Alternative to payment

(4) The normal rental rates mentioned in this section shall be those established by the Board. Normal rate defined

**8.—(1)** All farm machinery and equipment sold by a dealer shall carry a warranty against defects in parts, material and workmanship, Warranty

- (a) with respect to a tractor, for a minimum of 1,000 hours of use;
- (b) with respect to a self-propelled combine, for a minimum of 300 hours of use; and
- (c) for all other farm machinery and equipment, for at least one year,

and the warranty shall include the costs of defective parts, labour and transportation.

(2) In addition to the warranties set out in subsection 1, every new tractor and every new self-propelled combine sold by a dealer, with respect to the engine, transmission and differential or engine and power train, shall carry with it a warranty with respect to parts, labour and transportation on a *pro rata* basis, for an additional 2,000 hours of use for a tractor and 400 hours of use for a self-propelled combine, but in any case the total warranty period shall not extend beyond five years from the date of the original purchase. Additional warranty

(3) Where, during the warranty period, parts in farm machinery and equipment are found to be defective, the dealer or the vendor, as the case may be, shall replace those parts promptly, and where a defective part causes damage to any other part the damaged part shall likewise be replaced by the dealer or vendor. Replacement of defective parts

(4) Where, pursuant to subsection 3, new parts are replaced by a dealer or vendor, the new parts are subject to warranty for a minimum of one year from the date of replacement. Warranty on parts

Non-  
application  
of warranty

(5) The warranties set out in this section do not apply,

- (a) where the deterioration of parts is due to normal wear and tear; or
- (b) to any failure of farm machinery and equipment to perform satisfactorily its intended functions that is caused by the negligence of the purchaser or operator thereof.

Liability  
under  
warranty

**9.**—(1) Where a purchaser of new farm machinery and equipment purchases it from a dealer,

- (a) the manufacturer who supplied the machinery and equipment to a wholesaler who sold it to a dealer who sold it to the purchaser; or
- (b) the manufacturer who sold it to the dealer who sold it to the purchaser; and
- (c) the dealer or vendor who sold it to the purchaser,

are jointly and severally liable to observe, keep and perform every warranty set out in this Act.

Reimburse-  
ment by  
vendor

(2) Where the fault for the late delivery of parts or farm machinery and equipment is the fault of the vendor and not of the dealer, and the dealer pursuant to section 7 has made payments to the purchaser or incurred a liability under that section, the vendor shall reimburse the dealer for any payment made by the dealer or liability incurred by the dealer.

Offence

**10.**—(1) Every person who knowingly contravenes any provision of this Act or the regulations and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Regulations

**11.** Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations,

- (a) requiring the filing of such information and returns with the Board as the Board considers necessary to carry out the purposes of this Act;

- (b) providing forms for the purpose of this Act and providing for their use.

**12.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**13.** The short title of this Act is *The Farm Machinery* <sup>Short title</sup>  
*and Equipment Act, 1979.*







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An Act respecting the  
Sale of Farm Machinery and Equipment  
in Ontario

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*1st Reading*

June 14th, 1979

*2nd Reading*

*3rd Reading*

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MR. WILDMAN

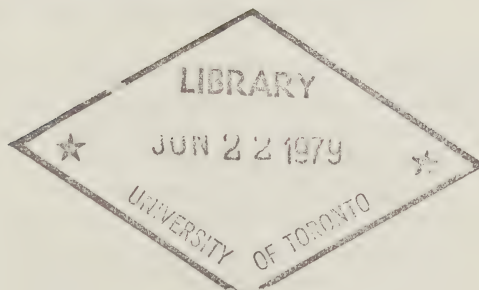
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*(Private Member's Bill)*

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act respecting the Village of Point Edward

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1. Under this section the real property of the Blue Water Bridge Authority, except the structure known as the Blue Water Bridge, is made subject to the provisions of *The Assessment Act*. At the present time *The Assessment Act* does not apply to the real property of the Bridge Authority.

SECTION 2. This section provides that the Bridge Authority shall pay, with respect to the bridge structure, the amounts set out for the years 1978 to 1983. The payments are in lieu of municipal taxes. Beginning in 1983, *The Assessment Act* will apply to the bridge structure.

BILL 131

1979

## An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, *The Assessment Act* applies to the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward except the structure known as the Blue Water Bridge. R.S.O. 1970,  
c. 32 to apply  
to real  
property of  
the Blue  
Water Bridge  
Authority

2.—(1) The Blue Water Bridge Authority shall pay to The Corporation of the Village of Point Edward in lieu of municipal taxes, including school taxes, on the structure known as the Blue Water Bridge located in the Village of Point Edward and in lieu of business assessment in respect thereto for the years 1978, 1979, 1980, 1981 and 1982 the following sums of money: Payments  
in lieu of  
taxes

1978 . . . . .	\$57,000 plus local improvement rates.
1979 . . . . .	\$65,000 plus local improvement rates.
1980 . . . . .	\$70,000 plus local improvement rates.
1981 . . . . .	\$75,000 plus local improvement rates.
1982 . . . . .	\$80,000 plus local improvement rates.

(2) The sums of money referred to in subsection 1, shall be deemed to be municipal taxes due upon the structure known as the Blue Water Bridge in the respective years set out in subsection 1 and shall be added to the collector's roll of taxes in the appropriate year and may be collected in the same manner as municipal taxes, together with interest thereon, accruing from the date of being added to the collector's roll at the same rate as interest added by The Corporation of the Village of Point Edward under section 553 of *The Municipal Act* to taxes due and unpaid, and is, until so collected or otherwise paid, a special lien upon the structure as provided for in section 511 of the said Act. Collection  
of  
payments  
  
  
  
  
  
  
  
  
  
R.S.O. 1970,  
c. 284

(3) Commencing on the 1st day of January, 1983, *The Assessment Act* applies to the structure known as the Blue Water Bridge. Application  
of  
R.S.O. 1970,  
c. 32 to  
bridge  
structure

Repeals

**3.** The following are repealed:

1. *The Blue Water Bridge Act, 1940*, being chapter 2.
2. *The Village of Point Edward Act, 1972*, being chapter 87.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is *The Village of Point Edward Act, 1979*.



SECTION 3. Self-explanatory.





An Act respecting the  
Village of Point Edward

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*1st Reading*

June 15th, 1979

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Government Bill)*

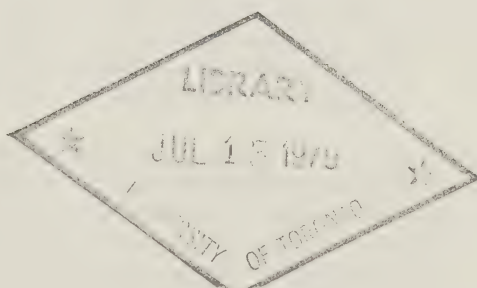
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BILL 131

3RD SESSION, 31ST LEGISLATURE, ONTARIO  
28 ELIZABETH II, 1979

An Act respecting the Village of Point Edward

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



TORONTO

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BILL 131

1979

## An Act respecting the Village of Point Edward

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding any general or special Act, *The Assessment Act* applies to the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward except the structure known as the Blue Water Bridge.

R.S.O. 1970,  
c. 32 to apply  
to real  
property of  
the Blue  
Water Bridge  
Authority

**2.—(1)** The Blue Water Bridge Authority shall pay to The Corporation of the Village of Point Edward in lieu of municipal taxes, including school taxes, on the structure known as the Blue Water Bridge located in the Village of Point Edward and in lieu of business assessment in respect thereto for the years 1978, 1979, 1980, 1981 and 1982 the following sums of money:

Payments  
in lieu of  
taxes

1978 . . . . . \$57,000 plus local improvement rates.  
1979 . . . . . \$65,000 plus local improvement rates.  
1980 . . . . . \$70,000 plus local improvement rates.  
1981 . . . . . \$75,000 plus local improvement rates.  
1982 . . . . . \$80,000 plus local improvement rates.

**(2)** The sums of money referred to in subsection 1, shall be deemed to be municipal taxes due upon the structure known as the Blue Water Bridge in the respective years set out in subsection 1 and shall be added to the collector's roll of taxes in the appropriate year and may be collected in the same manner as municipal taxes, together with interest thereon, accruing from the date of being added to the collector's roll at the same rate as interest added by The Corporation of the Village of Point Edward under section 553 of *The Municipal Act* to taxes due and unpaid, and is, until so collected or otherwise paid, a special lien upon the structure as provided for in section 511 of the said Act.

Collection  
of  
payments

R.S.O. 1970,  
c. 284

**(3)** Commencing on the 1st day of January, 1983, *The Assessment Act* applies to the structure known as the Blue Water Bridge.

Application  
of  
R.S.O. 1970,  
c. 32 to  
bridge  
structure



Repeals

**3.** The following are repealed:

1. *The Blue Water Bridge Act, 1940*, being chapter 2.
2. *The Village of Point Edward Act, 1972*, being chapter 87.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is *The Village of Point Edward Act, 1979*.







An Act respecting the  
Village of Point Edward

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*1st Reading*

June 15th, 1979

*2nd Reading*

June 22nd, 1979

*3rd Reading*

June 22nd, 1979

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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